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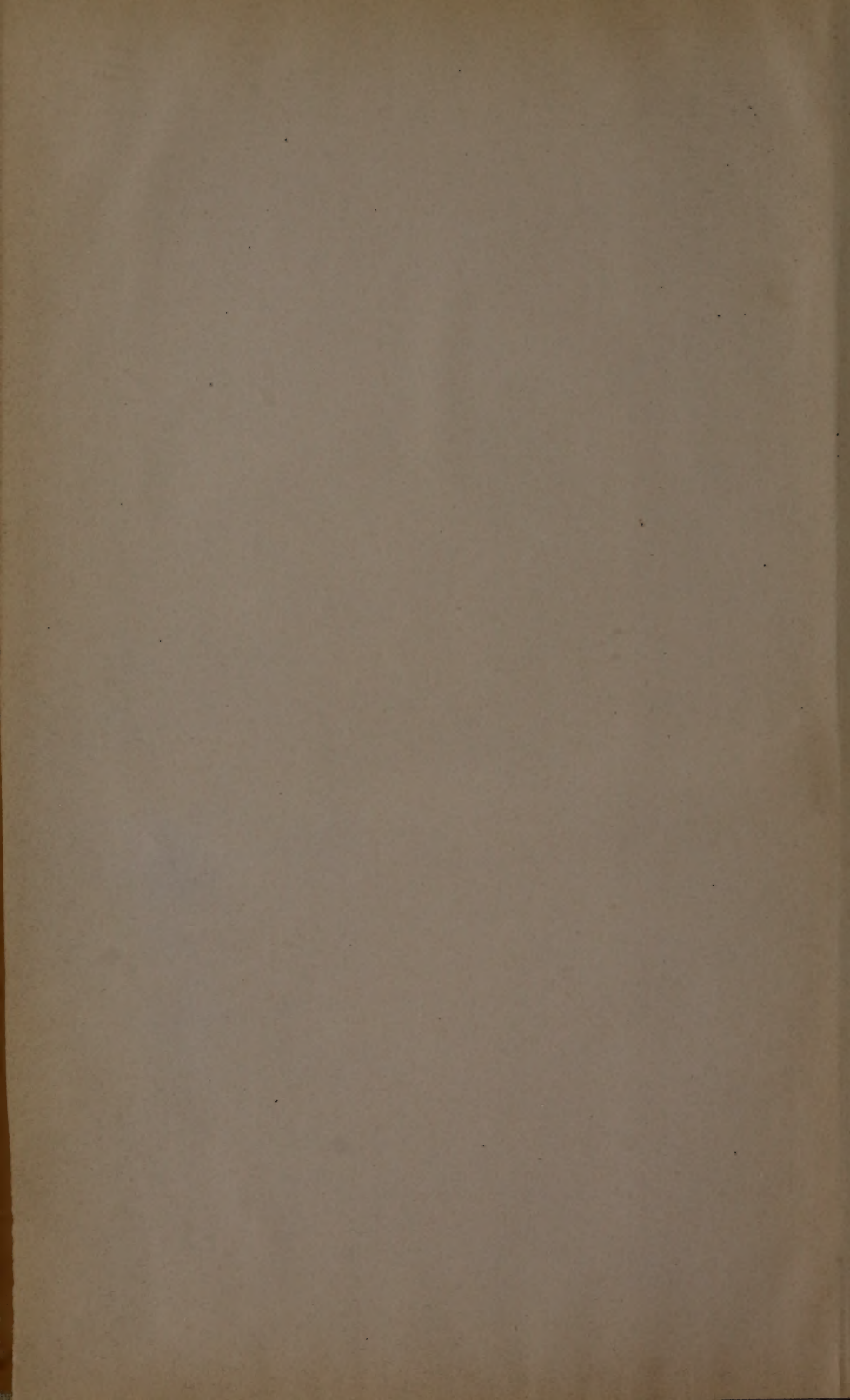
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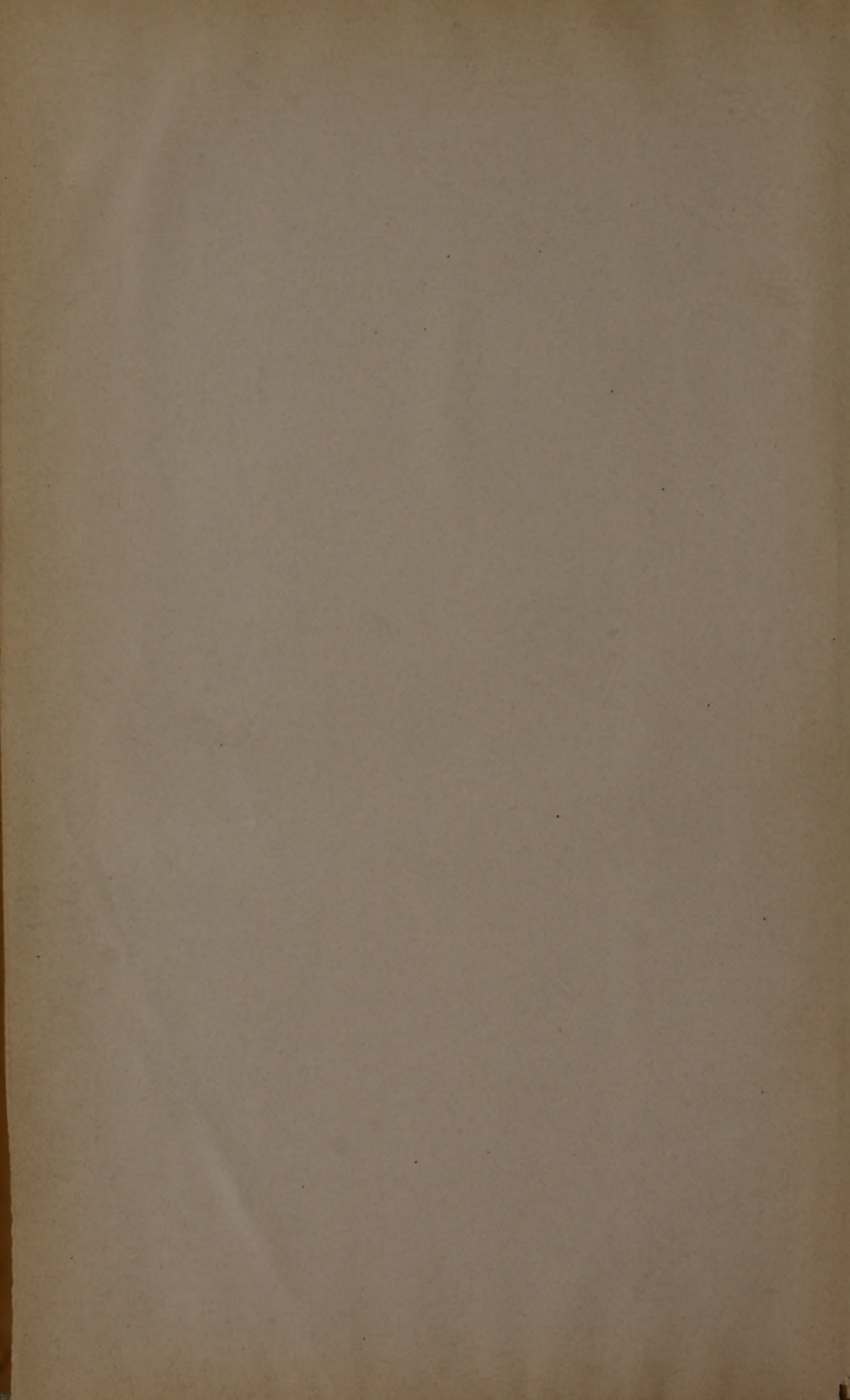
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CHARTER

OF THE

CITY OF BROOKLYN,

BEING CHAPTER 583 OF THE LAWS OF 1888,

ENTITLED:

AN ACT TO REVISE AND COMBINE IN A
SINGLE ACT ALL EXISTING SPECIAL
AND LOCAL LAWS AFFECTING
PUBLIC INTERESTS IN THE
CITY OF BROOKLYN.

As the same has been amended from time to
time and was in force on the first day
of January, 1895.

Press of JOHN CASSIDY, 221 Fulton Street,
New York City.

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The Appendix contains the amendments to the Charter passed by the Legislature of 1895.

When any section of the Charter is consulted, therefore, reference should be had to the Appendix to find whether any change has been made by that legislation in such section.

TITLE I.

CITY AND WARD LIMITS.

SECTION 1. All that portion of the County of Kings which is bounded on the north and west by the County of New York; on the west by New York bay; on the south by the towns of New Utrecht, Flatbush and Flatlands and by Jamaica bay; and on the east and north by the County of Queens, including all wharves, piers, docks and basins lying southerly and easterly of the center line of the East river, shall continue to be a municipal corporation, to be known as and called "The City of Brooklyn;" provided, however, that nothing herein contained shall invalidate, impair or in any manner affect any proprietary grant or grants heretofore made to, or any rights, titles or interests now or at any time heretofore vested in the mayor, aldermen and commonalty of the City of New York.

By legislation in the year 1894 the boundaries of the city were made coterminous with those of the County of Kings.

Ch. 451, Laws of 1894.

Ch. 356, " " "

Ch. 449, " " "

Ch. 450, " " " *

§ 2. The first ward of the city shall comprise the following district, namely: Beginning at a point on Fulton avenue where the center lines of Fulton street and Boerum place intersect each other, and running thence northwesterly along the center of Fulton street, and a line in continuation thereof to the East river; thence southwesterly along the East river to a point opposite the center of Atlantic avenue or a line in continuation thereof; thence easterly along the center of Atlantic street to the center of Boerum place; and thence northerly along the center of Boerum place to the place of beginning.

*Ch. 450, Laws of 1894, annexing the town of Flatlands to the city does not take effect until January 1, 1896.

§ 3. The second ward of said city shall comprise the following district, namely: Beginning on a point on the East river at the center line of Fulton street continued, and running thence southeasterly along the center line of Fulton street to a point opposite the center of Sands street; thence easterly along the center of Sands street to the center of Bridge street; thence northerly along the center of Bridge street and a line in continuation thereof to the East river; and thence westerly along the East river to the place of beginning.

§ 4. The third ward of said city shall comprise the following district, namely: Beginning at a point formed by the intersection of the center of Boerum and Fulton streets; thence easterly along the center of Fulton street to the intersection of Fulton avenue and Flatbush avenue; thence southerly along the center of Flatbush avenue to the center of Fourth avenue; thence southwesterly along the center of Fourth avenue to the center of Bergen street; thence northwesterly along the center of Bergen street to the center of Court street; thence northerly along the center of Court street to the center of Atlantic street; thence along the center of Atlantic street to the center of Boerum place; and thence northeasterly along the center of Boerum place to the place of beginning.

§ 5. The fourth ward of said city shall comprise the following district, namely: Beginning at a point where the center lines of Sands street and Fulton street intersect each other, and running thence easterly along the center of Sands street to the center of Bridge street; thence southerly along the center of Bridge street to the center of Fulton street; and thence northwesterly along the center of Fulton avenue and Fulton street to the place of beginning.

§ 6. The fifth ward of said city shall comprise the following district, namely: Beginning at a point where the center lines of Bridge street and Johnson street intersect each other, and running thence easterly along the center of Johnson street to the center of Navy street; thence northerly along the center of Navy street to the northerly side of Nassau street; thence easterly along the northerly side of

Nassau street to the southwesterly corner of the United States Navy Yard; thence northerly, northwesterly and northeasterly along the United States Navy Yard to the East river; thence westerly along the East river to a point on the continuation of the center line of Bridge street; thence southerly along the center of Bridge street to the place of beginning.

§ 7. The sixth ward of said city shall comprise the following district, namely: Beginning on the East river, at the center of Atlantic street; thence easterly along the center of Atlantic street to the center of Court street; thence southerly along the center of Court street to the center of Fourth place, thence westerly along the center of Fourth place to the center of Henry street; thence southeasterly along the center of Henry street to the center of Coles street; thence westerly along the center of Coles street to the center of Hamilton avenue; thence along the center of Hamilton avenue to the East river; thence along the East river to the place of beginning.

§ 8. The seventh ward of said city shall comprise the following district, namely: Beginning at a point formed by the intersection of the middle lines of Bedford and Flushing avenues, running thence southerly along the center line of Bedford avenue to its intersection with the middle line of Brevoort place; and thence westerly along the middle line of Brevoort place to the middle line of Franklin avenue; thence southerly along the middle line of Franklin avenue to the middle line of Atlantic avenue; thence westerly along the middle line of Atlantic avenue to the middle line Washington avenue; thence northerly along the middle line of Washington avenue to the middle line of Flushing avenue; thence easterly along the middle line of Flushing avenue to the point or place of beginning.

§ 9. The eighth ward of said city shall comprise the following district, namely: Beginning at a point where the center line of Prospect avenue intersects Gowanus bay, and running thence southeasterly along the center of Prospect avenue to the line of the town of Flatbush; thence southwesterly along said Flatbush line to the line of the town of

New Utrecht; thence southwesterly along said line, crossing a highway called Martense's lane; thence southwesterly along said line to the southerly boundary of said City of Brooklyn; thence northwesterly along the line of said town of New Utrecht to the Bay of New York, thence northeasterly along the said bay, and along Gowanus bay to the place of beginning.

By resolution of the Common Council, passed July 11, 1892, the boundaries of the eighth ward were constituted as follows:

Beginning at a point where the center line of Prospect avenue intersects Gowanus bay and running thence southeasterly along the center line of Prospect avenue to the center line of Sixth avenue; thence southwesterly along the center line of Sixth avenue to the center line of Twenty-third street; thence southeasterly along the center line of Twenty-third street to the center line of Seventh avenue, thence northeasterly along the center line of Seventh avenue to the southerly side of Twentieth street; thence southeasterly along the southerly side of Twentieth street to a point distant one hundred feet northwesterly from the corner formed by the intersection of the southerly side of Twentieth street with the westerly side of Ninth avenue; thence southwesterly on a line parallel with and distant one hundred feet from the westerly side of Ninth avenue to the northerly line of Twenty-first street; thence southeasterly along the northerly line of Twenty-first street to the westerly line of Ninth avenue and thence northeasterly along the westerly line of Ninth avenue to southerly side of Twentieth street and thence southeasterly along the southerly side of Twentieth street to the westerly line of Tenth avenue; thence southwesterly along the westerly line of Tenth avenue to the southerly side of Twenty-second street as laid down on the Commissioner's map of the City of Brooklyn; thence southeasterly along the southerly side of Twenty-second street as so laid down to the line separating the town of Flatbush from the City of Brooklyn, thence southwesterly along the said division line to the line of the town of New Utrecht; thence along the line separating the City of Brooklyn from the town of New Utrecht as the same now runs to the Bay of New York; thence northeasterly along the said bay and along Gowanus bay to the place of beginning.

Min. Common Council, 1892, Vol. 2, p. 894.

§ 10. The ninth ward of said city shall comprise the following district, namely : Beginning at a point formed by the intersection of the middle line of Flatbush and Atlantic avenues, running thence in a southerly direction along the middle line of Flatbush avenue to the city line ; thence along the city line in an easterly direction to the middle line of Franklin avenue ; thence in a northerly direction along the middle line of Franklin avenue to the middle line of Atlantic avenue ; and thence in a westerly direction along the middle line of Atlantic avenue to the point and place of beginning.

By resolution of the Common Council, passed July 11, 1892, the boundaries of the ninth ward were constituted as follows :

Beginning at a point where the center lines of Flatbush and Fourth avenues intersect, running thence southeasterly along the center line of Flatbush avenue to the center line of Atlantic avenue ; thence southeasterly along the center line of Atlantic avenue to the center line of Franklin avenue ; thence southwesterly along the center line of Franklin avenue to the line separating the City of Brooklyn from the town of Flatbush ; thence in a westerly direction along said line as the same now runs to the center line of Flatbush avenue ; thence northwesterly along the center line of Flatbush avenue to the southern boundary of the Plaza ; thence westerly along the southern boundary of the Plaza to the center line of Ninth avenue ; thence northerly along a line in continuation of the center line of Ninth avenue to a point where said line would intersect a line drawn in continuation of the center line of Union street ; thence northwesterly along said line and along the center line of Union street to the center line of Fourth avenue, and thence northeasterly along the center line of Fourth avenue to the point or place of beginning.

Min. of Common Council, 1892, Vol. 2, p. 894.

§ 11. The tenth ward of said city shall comprise the following district, namely : Beginning at a point formed by the intersection of the center of Fourth avenue and Bergen street ; thence running southwesterly along the center of Fourth avenue to the center of First street ; thence northwesterly along the center of First street to the center of Gowanus canal ; thence southerly and westerly along the center line of Gowanus canal to a point where a line drawn

in continuation of the center line of Fifth street, would intersect the center line of Gowanus canal; thence northwesterly along said line drawn in continuation of the center line of Fifth street to the center line of Fifth street, thence northwesterly along the center of Fifth street and Fourth place to the center of Court street; thence along the center of Court street to the center of Bergen street, and thence southeasterly along the center of Bergen street to the place of beginning.

§ 12. The eleventh ward of said city shall comprise the following district, namely: Beginning at a point where the center lines of Fulton street and Bridge street intersect each other; thence running northerly along the center of Bridge street to the center of Johnson street; thence easterly along the center of Johnson street to the center of Navy street; thence northerly along the center of Navy street to the center of Nassau street; thence easterly along Nassau street to the southwest corner of the United States Navy Yard; thence northerly along the same to the East river; thence easterly along the East river and Wallabout bay to the center line of Portland avenue or a line in continuation thereof; thence southerly along the center of Portland avenue in a straight line, across Washington park to the center of Atlantic avenue; thence westerly along the center line of Atlantic avenue to a point where the center line of Atlantic street and Flatbush avenue intersect each other; thence northwesterly along the center of Flatbush avenue to the center of Fulton street; and thence westerly along the center of Fulton street to the point or place of beginning.

§ 13. The twelfth ward of said city shall comprise the following district, namely: Beginning in the East river on the center line of Hamilton avenue; thence southerly along the center line of Hamilton avenue to the center of Coles street; thence southeasterly along the center of Coles street to the center of Henry street; thence northerly along the center of Henry street to the center of Fourth place; thence southeasterly along the center of Fourth place to the center of Smith street; thence northerly along the center of Smith street to the center of Fifth street; thence southeasterly

along the center of Fifth street and along a line drawn in continuation of Fifth street to a point where said line would intersect the center of Gowanus canal; thence southwesterly along the center line of Gowanus canal to Gowanus bay; thence along the Gowanus bay and East river to the place of beginning.

§ 14. The thirteenth ward of said city shall comprise the following district, namely: Beginning at the permanent water line on the easterly side of the East river, where the same would be intersected by the dividing line between the late cities of Brooklyn and Williamsburgh; thence running in an easterly direction along the said dividing line to the center of Rodney street and its intersection with said line; thence in a northeasterly direction along the center of Rodney street to the center of the intersection of Ninth and Grand streets; thence in a northwesterly direction along the center of Grand street to the permanent line of the East river; thence southwesterly along the permanent line of the East river to the dividing line between the late cities of Brooklyn and Williamsburgh to the place of beginning.

By resolution of the common council passed July 11, 1892, the boundaries of the thirteenth ward were constituted as follows:

Beginning at the permanent water line on the easterly side of the East river where the same would be intersected by the center line of Division avenue; thence in an easterly direction along the said center line of Division avenue to the center line of Rodney street; thence in a northeasterly direction along the center line of Rodney street to the center line of Grand street; thence in a northwesterly direction along the center line of Grand street to the permanent line of the East river; thence southwesterly along the permanent line of the East river to the center line of Division avenue, the place of beginning.

Min. of Common Council, 1892, Vol. 2, p. 895.

§ 15. The fourteenth ward of said city shall comprise the following district, namely: Beginning at the easterly permanent line of the East river, where the same would be intersected by a line drawn through the center of Grand street; thence running in a southeasterly direction along the center

of Grand street to the center of the intersection of Grand and Rodney streets; thence in a northeasterly direction along the center of Rodney street to the center of the intersection of North Second and Rodney streets; thence in an easterly direction along the center of North Second street to the center of the intersection of North Second street and Union avenue; thence in a northerly direction along the center of Union avenue to the center of the intersection of Union avenue by Driggs street; thence in a northeasterly direction along the center of Driggs street to the center of the intersection of North Fourteenth street by Fifth street; thence in a northwesterly direction along the center of North Fourteenth street to the center of the intersection of North Fourteenth and Kent avenue; thence in a southwesterly direction along the center of First and North Thirteenth streets; thence in a northwesterly direction along the center of North Thirteenth street to the easterly permanent line of East river; thence in a southwesterly direction along the easterly permanent line of East river to the center of Grand street, the place of beginning.

§ 16. The fifteenth ward of said city shall comprise the following district, namely: Beginning at the center of the intersection of South Second and Rodney streets; thence running in a southeasterly direction along the center of South Second street to the center of the intersection of South Second street by Union avenue; thence in a northerly direction along the center of Union avenue to the center of the intersection of Ten Eyck street by Union avenue; thence in an easterly direction along the center of Ten Eyck street to the center of the intersection of Wyckoff street and Bushwick avenue; thence in a northwesterly direction along the center of Bushwick avenue to the center of the intersection of Bushwick avenue and North Second street; thence in a westerly direction along the center of North Second street to the center of the intersection of North Second street and Humboldt street; thence in a northerly direction along the center of Humboldt street; thence in a northerly direction along the center of Smith street to the center of the intersection of Humboldt street and Richardson street; thence in a westerly direction

along the center of Richardson street to the center of the intersection of Richardson and Leonard streets; thence in a northerly direction along the center of Leonard street to the center of the intersection of Leonard and Van Pelt streets; thence in a westerly direction along the center of Van Pelt street to the center of the intersection of Van Pelt street by Driggs street; thence in a southwesterly direction along the center of Driggs street to the center of the intersection of Union avenue by Driggs street; thence in a southerly direction along the center of Union avenue to the center of the intersection of Union avenue and North Second street; thence in a westerly direction along the center of North Second street to the center of the intersection of Rodney street by North Second street; thence in a southwesterly direction along the center of Rodney street to the intersection of Rodney and South Second streets, the place of beginning.

§ 17. The sixteenth ward of said city shall comprise the following district, namely: Beginning at the intersection of Rodney street and the former dividing line between the former cities of Brooklyn and Williamsburgh; thence running a southeasterly direction along the said dividing line to the intersection with the center of the Flushing avenue; thence in an easterly direction along the center of said Flushing avenue to the center of its intersection with Bushwick avenue; thence in a northerly, northwesterly and northeasterly direction along the center of Bushwick avenue to the center of the intersection of Ten Eyck street and Bushwick avenue; thence westerly along the center of Ten Eyck street to the center of the intersection of Ten Eyck street by Union avenue; thence in a southerly direction along the center of Union avenue to the center of the intersection of South Second street by Union avenue; thence in a northwesterly direction along the center of South Second street to the center of the intersection of South Second and Rodney streets; thence in a southwesterly direction to the center of the intersection of Rodney street and the dividing line between the cities of Brooklyn and Williamsburg, the place of beginning.

By resolution of the Common Council passed July 11, 1892, the boundaries of the sixteenth ward were constituted as follows:

Beginning at the intersection of the center lines of Rodney street on Broadway, running thence southeasterly along the center line of Broadway to the center line of Flushing avenue; thence in an easterly direction along the center line of Flushing avenue to the center line of Bushwick avenue or road, as the same was originally laid down on a commissioner's map of the town of Bushwick; thence in a northerly, northwesterly and northeasterly direction along the center line of Bushwick avenue or road as the same was so laid down to the center line of Ten Eyck street; thence westerly along the center line of Ten Eyck street to the center line of Union avenue; thence in a southerly direction along the center line of Union avenue to the center line of South Second street; thence in a northwesterly direction along the center line of South Second street to the center line of Rodney street; thence in a southwesterly direction along the center line of Rodney street to the center line of Broadway, the place of beginning.

Min. of Common Council, 1892, Vol. 2, p. 895.

§ 18. The seventeenth ward of said city shall comprise the following district, namely: Beginning at the easterly permanent line of the East river, where the same would be intersected by a line drawn through the center of North Thirteenth street; thence running in a southeasterly direction along the center of North Thirteenth street to the center or the intersection of North Thirteenth and Kent avenue; thence northeasterly along the center of Kent avenue to the center of the intersection of North Fourteenth and First streets; thence in a southeasterly direction along the center of North Fourteenth street to the center of the intersection of North Fourteenth street by Van Cott avenue; thence along the center of Van Cott avenue in a northeasterly direction to the center of the intersection of Van Pelt street by Fifth street; thence in an easterly direction along the center of Van Pelt street to the center of the intersection of Van Pelt and Leonard streets; thence in a southerly direction along the center of Leonard street to the center of the intersection of Leonard and Richardson streets; thence in an easterly direction along the center of Richardson street to the center of the intersection of Meeker avenue by Richardson street; thence in a northeasterly direction along the center of Meeker avenue, in all its turnings to the center of

Newtown creek; thence in a northwesterly direction along the center of Newtown creek, in all its meanderings, to the permanent line of the East river to a point where the permanent line of the East river would intersect the center of Newtown creek if continued; thence along the easterly permanent line of the East river in a southerly direction to the center of North Thirteenth street to the place of beginning.

§ 19. The eighteenth ward of said city shall comprise the following district, namely: Beginning at the center of the intersection of Richardson street and Meeker avenue; thence running in a northeasterly direction along the center of Meeker avenue to the center of Newtown Creek; thence in a southeasterly direction along the center of Newtown Creek to the line of the County of Queens; thence southeasterly along the line of the County of Queens to the center of Flushing avenue at its intersection with the said line of the County of Queens; thence southwesterly and westerly along the center of Flushing avenue until it intersects the center of Bushwick avenue; thence along the dividing line of the sixteenth ward in a northerly, northwesterly and northeasterly, and again northwesterly direction along the centre of Bushwick avenue to the centre of the intersection of Bushwick avenue and North Second street; thence westerly along the centre of North Second street to the centre of the intersection of North Second and Humboldt streets; thence northerly along the center of Humboldt street to the center of the intersection of Humboldt and Richardson streets; thence along the center of Richardson street to the point or place of beginning.

Ch. 57, Laws of 1892.

By resolution of the Common Council passed July 11, 1892, the boundaries of the eighteenth ward were constituted as follows:

Beginning at the center of the intersection of Richardson street and Meeker avenue; thence running in a northeasterly direction along the center of Meeker avenue to the centre of Newtown Creek; thence in a southeasterly direction along the center of Newtown Creek to the line of the County of Queens; thence southeasterly along the line of the County of Queens to the center of

Flushing avenue at its intersection with the said line of the County of Queens; thence southwesterly and westerly along the center of Flushing avenue until it intersects the center of Bushwick avenue or road as the same was originally laid down on the commissioners' map of the town of Bushwick; thence along the centre of said Bushwick avenue or road as the same was so laid down to the center of Ten Eyck street; thence along the center line of Bushwick as the same now exists to the center of the intersection of Bushwick avenue and North Second street; thence westerly along the centre of North Second street to the centre of the intersection of North Second and Humboldt streets; thence northerly along the center of Humboldt to the center of the intersection of Humboldt and Richardson streets; thence along the center of Richardson to the point or place of beginning.

Min. Common Council, 1892, Vol. 2, p. 896.

§ 20. The nineteenth ward of said city shall comprise the following district, namely: Beginning at a point formed by the intersection of the center line of Broadway with the center line of Flushing avenue; running thence westerly along the center line of Flushing avenue to the center of Washington avenue; thence northerly along the center line of Washington avenue to the Wallabout bay; thence northeasterly along Wallabout bay to the line dividing the late cities of Brooklyn and Williamsburgh; thence easterly along the said last mentioned line to the center line of Broadway, and thence easterly again along the center line of Broadway to the point of beginning.

By resolution of the common council passed July 11, 1892, the boundaries of the nineteenth ward were constituted as follows:

Beginning at a point formed by the intersection of the center line of Broadway with the center line of Flushing avenue, running thence westerly along the center line of Flushing avenue to the center line of Washington avenue; thence northerly along the center line of Washington avenue to the Wallabout canal; thence northwesterly along said canal to Wallabout bay; thence northwesterly along said Wallabout bay to the center line of Division avenue; thence easterly along the center line of Division avenue to the center line of Rodney street; thence northeasterly along the center

line of Rodney street to the center line of Broadway; thence southeasterly along the center line of Broadway to Flushing avenue, at the point or place of beginning.
Min. of Common Council, 1892, Vol. 2, p. 896.

§ 21. The twentieth ward of said city shall comprise the following district, namely; Beginning at a point formed by the intersection of the center line of Washington avenue with the center of Atlantic avenue, running thence westerly along the center line of Atlantic avenue to the center line of Portland avenue; thence northerly along the center line of Portland avenue, in a straight line across Washington park, to the East river or Wallabout bay; thence easterly along the East river or Wallabout bay to the center of Washington avenue, and thence southerly along the center of Washington avenue to the center of Atlantic avenue, to the point or place of beginning.

§ 22. The twenty-first ward of the City of Brooklyn shall comprise the following district, namely: Beginning at a point formed by the intersection of the middle lines of Bedford and Lafayette avenues; thence northerly along the middle line of Bedford avenue to its intersection with the middle line of Flushing avenue; thence easterly along the middle line of Flushing avenue to its intersection with the middle line of Broadway; thence southeasterly along the middle line of Broadway to its intersection with the middle line of Lafayette avenue; thence westerly along the middle line of Lafayette avenue to the place or point of beginning.

§ 23. The Twenty-second ward of said city shall comprise the following district, namely: Beginning at a point where the center line of Flatbush avenue and Fourth avenue intersect, and running thence southeasterly along the center of Flatbush avenue to the line separating the town of Flatbush from the City of Brooklyn; thence along the division line, as the same now runs, to the center of Prospect avenue; thence northwesterly along the center of Prospect avenue to Gowanus bay; thence northeasterly along the said bay to the center line of First avenue; thence northeasterly along the center of First avenue to the center of Fifth street; thence southeasterly along the center of Fifth street to the

center of Second avenue; thence northeasterly along the center Second avenue to the center of First street; thence southeasterly along the center of First street to the center of Fourth avenue; thence northerly along the center of Fourth avenue to the place of beginning, including the southerly and westerly boundaries of Prospect park as established by law.

By resolution of the Common Council, passed July 11, 1892, the boundaries of the twenty-second ward were constituted as follows:

Beginning at a point where the southerly boundary of the Plaza intersects the center line of Flatbush avenue, running thence southeasterly along the center line of Flatbush avenue to the line separating the town of Flatbush from the City of Brooklyn; thence along said division line as it now runs to the southerly side of Twenty-second street as laid down on the commissioners' map of the City of Brooklyn; thence westerly along said southerly side of Twenty-second street, as so laid down to the westerly side of Tenth avenue; thence northeasterly along the westerly side of Tenth avenue to the southerly side of Twentieth street; thence northwesterly along the southerly side of Twentieth street to the westerly side of Ninth avenue; thence southwestwardly along said westerly side of Ninth avenue to the northerly line of Twenty-first street; thence northwesterly along the northerly side of Twenty-first street one hundred feet; thence northeasterly on a line parallel with and distant one hundred feet from the westerly line of Ninth avenue to the southerly side of Twentieth street; thence northwesterly along the southerly side of Twentieth street to the center line of Seventh avenue; thence southwestwardly along the center line of Seventh avenue to the center line of Twenty-third street; thence northwesterly along the center line of Twenty-third street to the center line of sixth avenue; thence northeasterly along the center line of Sixth avenue to the center line of Prospect avenue; thence northwesterly along the center line of Gowanus bay or canal; thence northeasterly along said center line of said bay or canal as the same now runs to the center line of First street as originally laid out on the commissioners' map of the City of Brooklyn; thence southeasterly along the center line of First street as so laid out to the center line of Fourth avenue; thence northeasterly along the center line of Fourth avenue to the center line of Union street; thence southeasterly

along the center line of Union street and a line drawn in continuation thereof to a point where said line in continuation of the center line of Union street intersects a line drawn in continuation of the center line of Ninth avenue; thence along the line drawn in continuation of the center line of Ninth avenue to the southerly boundary of the Plaza; thence easterly along the southerly boundary of the Plaza to the place of beginning, including the southerly and westerly boundaries of Prospect park as established by law.

Min. Common Council, 1892, Vol. 2, p. 897.

§ 24. The twenty-third ward of the City of Brooklyn shall comprise the following district, namely: Beginning at a point formed by the intersection of the middle lines of Atlantic avenue and Franklin avenue, running thence in an easterly direction along the middle line of Atlantic avenue to its intersection with the middle line of Albany avenue; thence northerly along the middle line of Albany avenue to its intersection with the middle line of Fulton avenue; thence easterly along the middle line of Fulton avenue to its intersection with the middle line of Sumner avenue; thence northerly along the middle line of Sumner avenue to its intersection with the middle line of Lafayette avenue; thence westerly along the middle line of Lafayette avenue to its intersection with the middle line of Bedford avenue; thence southerly along the middle line of Bedford avenue to its intersection with the middle line of Brevoort place; thence westerly along the middle line of Brevoort place to Franklin avenue; thence southerly along the middle line of Franklin avenue to the place or point of beginning.

By resolution of the Common Council passed July 11, 1892, the boundaries of the twenty-third ward were constituted as follows:

Commencing at the intersection of Bedford and Lafayette avenues, running thence easterly along the center line of Lafayette avenue to the center line of Reid avenue; thence southerly along the center line of Reid avenue to the center line of Fulton street; thence westerly along the center line of Fulton street to the center of Utica avenue; thence southerly along the center of Utica avenue to the center of Atlantic avenue; thence westerly along the center of Atlantic avenue to the center of Franklin avenue; thence northerly along the center of

Franklin avenue to the center of Brevoort place ; thence easterly along the center of Brevoort place to the center of Bedford avenue ; thence northerly along the center of Bedford avenue to the place of beginning.

Min. of Common Council, 1892, Vol. 2, p. 898.

§ 25. The twenty-fourth ward of the City of Brooklyn shall comprise the following district, namely : Beginning at a point formed by the intersection of Franklin and Atlantic avenues, running thence in a southerly direction along the middle line of Franklin avenue to the city line ; thence in an easterly direction along the city line to the middle line of Atlantic avenue, and thence in a westerly direction along the middle line of Atlantic avenue to the point or place of beginning.

§ 26. The twenty-fifth ward of the City of Brooklyn shall comprise the following district, namely : Beginning at a point formed by the intersection of the middle lines of Atlantic and Albany avenues ; thence running easterly along the middle line of Atlantic avenue to the former dividing line between the City of Brooklyn and the late town of New Lots, now twenty-sixth ward ; thence running northeasterly along the said line to its intersection with the middle line of Broadway ; thence running northwesterly along the middle line of Broadway to its intersection with the middle line of Lafayette avenue ; thence westerly along the middle line of Lafayette avenue to its intersection with the middle line of Sumner avenue ; thence southerly along the middle line of Sumner avenue to its intersection with the middle line of Fulton street ; thence westerly along the middle line of Fulton street to its intersection with the middle line of Albany avenue ; thence southerly along the middle line of Albany avenue to the point or place of beginning.

By resolution of the Common Council passed July 11, 1892, the boundaries of the twenty-fifth ward were constituted as follows :

Commencing at the center line of Reid and Lafayette avenues ; thence southerly along the center of Reid avenue to the center of Fulton street ; thence westerly along the center of Fulton street to the center of Utica avenue ; thence southerly along the center of Utica

avenue to the center of Atlantic avenue; thence easterly along the center of Atlantic avenue to the former boundary line between the City of Brooklyn and the town of New Lots; thence northerly along said boundary line to the center line of Broadway; thence along the center of Broadway to the center of Lafayette avenue; thence westerly along the center of Lafayette avenue to the place of beginning.

Min. Common Council, 1892, Vol. 2, p. 898.

§ 27. The twenty-sixth ward of the City of Brooklyn shall comprise the following district, namely: All that portion of the County of Kings formerly known as the town of New Lots.

§ 28. The twenty-seventh ward of said city shall comprise the following district, namely: Beginning at the center of the intersection of Broadway and Kosciusko street; thence running in a northeasterly direction along the center of Kosciusko street to the intersection of Bushwick avenue and Kosciusko street; thence running in a northwesterly direction along Bushwick avenue to the intersection of Bushwick avenue and Stockholm street; thence in a northeasterly direction along the center of Stockholm street to the intersection of the line of the County of Queens: thence northerly or nearly so along the line of the County of Queens to the center of Flushing avenue at its intersection with the said line of the County of Queens; thence southwesterly and westerly along the center of Flushing avenue to the center of the intersection of Broadway; thence southwesterly along the center of Broadway to the point or place of beginning.

Ch. 57, Laws of 1892.

§ 29. The twenty-eighth ward of the said city shall comprise the following district, namely: Beginning at the center of the intersection of Broadway and Kosciusko street; thence running in a northeasterly direction along the center of Kosciusko street to the intersection of Bushwick avenue and Kosciusko street; thence running in a northwesterly direction along the center of Bushwick avenue to the intersection of Bushwick avenue and Stockholm street; thence in a northeasterly direction along the center of Stockholm street to the intersection of the line of the County of

Queens; thence in a southerly direction along the line of the County of Queens to the westerly line of the twenty-sixth ward, formerly the town of New Lots; thence southwesterly along the said line to the intersection of the center of Broadway; thence northwesterly along the center of Broadway to the place of beginning.

Ch. 57, Laws of 1892.

§ 30. The said wards shall be considered and are hereby declared to be towns of the County of Kings.

Ch. 57, Laws of 1892.

The twenty-ninth ward of said city comprises all that territory within the limits of the town of Flatbush in the County of Kings as the same was constituted on the twenty-fifth day of April, one thousand eight hundred and ninety-four.

Ch. 356, Laws of 1894.

The thirtieth ward of said city comprises all that territory within the limits of the town of New Utrecht in the County of Kings as the same was constituted on the third day of May, one thousand eight hundred and ninety-four.

Ch. 451, Laws of 1894.

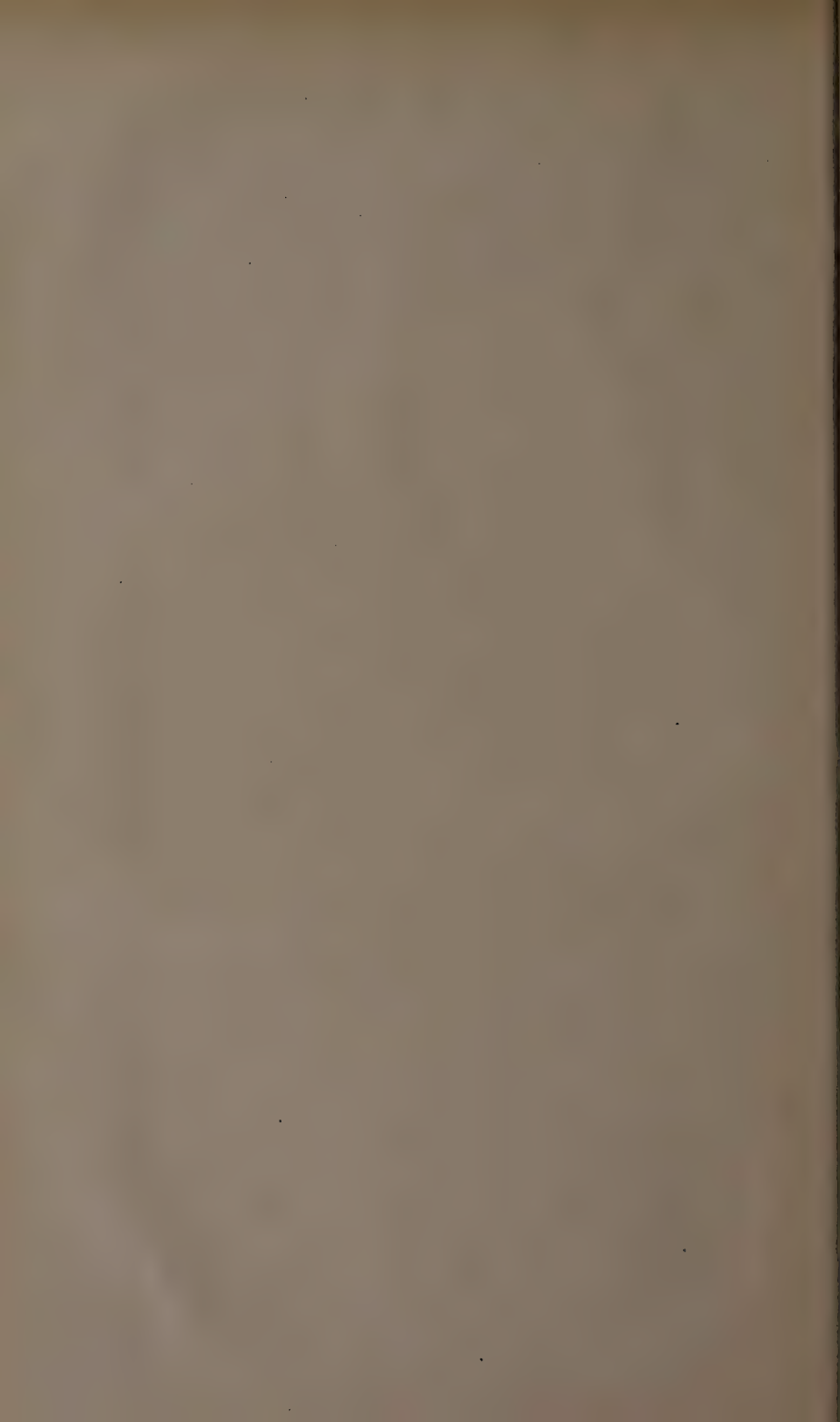
The thirty-first ward of said city comprises all that territory within the limits of the town of Gravesend in the County of Kings as the same was constituted on the third day of May, one thousand eight hundred and ninety-four.

Ch. 449, Laws of 1894.

The thirty—— ward of said city comprises all that territory within the limits of the town of Flatlands in the County of Kings as the same was constituted on the third day of May, one thousand eight hundred and ninety-four.

Ch. 450, Laws of 1894.

(This act does not take effect until the first day of January, one thousand eight hundred and ninety-six.)



TITLE II.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of said corporation shall be vested in a board of aldermen, who shall be called the common council.

COMMON COUNCIL.

§ 2. The City of Brooklyn is divided into three aldermanic districts known as the first, second and third aldermanic districts respectively. The first aldermanic district consists of the first, second, fifth, sixth, eighth, tenth, twelfth and twenty second wards of the said City of Brooklyn. The second aldermanic district consists of the third, fourth, seventh, eleventh, thirteenth, nineteenth, twentieth, twenty-first and twenty-third wards of the said City of Brooklyn. The third aldermanic district consists of the ninth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh and twenty-eighth wards of the said City of Brooklyn.

Ch. 57, Laws of 1892.

The twenty-ninth ward (late town of Flatbush) is placed in the third aldermanic district by Chap. 356 of the Laws of 1894.

The thirtieth ward (late town of New Utrecht) is placed in the first aldermanic district by Chap. 451 of the Laws of 1894.

The thirty-first ward (late town of Gravesend) is placed in the third aldermanic district by Chap. 449 of the Laws of 1894.

The ——— ward (late town of Flatlands) is placed in the third aldermanic district by Chap. 450 of the Laws of 1894.

(This act does not take effect until January 1, 1896.)

§ 3. The common council of the said City of Brooklyn consists of the board of aldermen now in office. At the general state election, held in the year eighteen hundred and eighty-nine and every two years thereafter, at the general state election four aldermen shall be elected from each aldermanic district, as hereinbefore described and constituted, and seven

aldermen shall be elected at-large from the entire city at the same time, and the aldermen so elected from time to time shall constitute the common council. The said members of the common council shall hold office for two years from the first day of January, at twelve o'clock, noon, next succeeding their election. The board of estimate of the City of Brooklyn is hereby empowered and directed forthwith to meet and to determine by a majority vote thereof whether the aldermen in office at the time of the passage of this act and their respective successors, from time to time, shall receive an annual salary, and if the board shall so determine, then the said board of estimate by a majority vote of its members shall fix and determine the amount of said salary. Any money required to pay the salaries of the said aldermen until the first day of January, eighteen hundred and ninety-three, shall be paid out of the revenue fund. All vacancies which may occur in said common council by reason of the death, resignation or removal of a member, or otherwise, shall be filled for the unexpired term by the election of the said common council, to be determined by a majority of all the members elected thereto.

Ch. 317, Laws of 1892.

§ 4. Every alderman shall, at the time of his election, be an elector of said city, and shall have been a citizen of the United States and a resident of the city for at least three years immediately previous thereto. No alderman shall, during the term for which he is elected, hold any other public office, except that of notary public, or commissioner of deeds. If any alderman, elected under the provisions of this act, shall be appointed or elected to and accept such public office, or remove out of the district in which he shall have been elected after his election, or during his term of office as such alderman, his office as such alderman shall immediately become vacant.

§ 5. The members of the common council shall, unless removed for cause, hold office until their places are supplied by the election of new members, who shall have qualified in the manner provided by this act. They may also resign their respective offices at any time, by filing written notices

thereof with the city clerk and publishing a copy of such notice in the corporation newspapers.

§ 6. The common council shall appoint a clerk, who shall perform such duties as may be prescribed for him. The clerk so appointed shall also be the city clerk, and hold his office for two years, unless removed for cause and by consent of the common council. The city clerk shall have charge of all the papers and documents of the city, except such as are by law committed to the keeping of the several departments, or of other officers, countersign all licenses granted by the mayor, and keep the record of the proceedings of the common council. He shall perform such duties as are required of the clerks of the several towns of this state not inconsistent with this Act. He shall engross all the ordinances of the common council, in a book to be provided for that purpose, with proper indices, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed by the mayor, or acting mayor, and said clerk. Copies of all papers duly filed in his office, and transcripts thereof, and of the records of proceedings of the common council, and copies of the laws or ordinances of the said city, certified by him under the corporate seal, shall be evidence in all courts and places of the matters therein contained. He shall also receive and pay over to the treasurer all moneys which by any law or usage are paid to the clerk of the city, and make return thereof, under oath, to the comptroller.

§ 7. A majority of aldermen elected shall constitute a quorum, but a smaller number may adjourn from time to time, and compel the attendance of absent members.

§ 8. The common council shall, annually, elect a president from its own body, and in his absence, a president for the time being, choose officers, appoint the times and places of the meetings, determine the rules of its proceedings, be the sole judge of the qualifications, elections, and returns of its members, keep a journal of its proceedings, and may punish or expel a member for disorderly conduct, or a violation of its rules, or declare his seat vacated by reason of absence, provided such absence be continued for the space of two

months. But no expulsion shall take place, except by the vote of two-thirds of all the members elected, nor until the delinquent member shall have had an opportunity to be heard in his defense.

§ 9. Every ordinance or resolution of the common council, shall, before it takes effect, be presented, duly certified, to the mayor, and the approval of the minutes of the said board, shall be conclusive evidence that the said ordinance or resolution has been so presented to the mayor. If he approves of it, he shall sign it, if not, he shall return it with his objections, and file it with the clerk within ten days after he receives it; the said board shall, at its first regular meeting thereafter, enter the objections at length in its journal, and cause said objections to be published in the corporation newspapers, after which publication it shall proceed to reconsider the same, and if two-thirds of all the members elected shall then agree to pass the same, it shall take effect as a law; but in every such case the votes shall be taken by ayes and nays, and entered on the journal. And if such ordinance or resolution shall not be returned by the mayor within ten days after he has received it, it shall become a law in like manner as if he had signed it. But no such ordinance or resolution shall take effect, in any sense, until the day following the next regular meeting of the board except by the unanimous consent of the board, in which case it shall take effect upon being approved by the mayor; and no debt or obligation of any kind shall be created by said common council against said city, except by ordinance or resolution of said common council specifying the amount and object of such expenditure.

§ 10. The common council shall, at least once in each year, not less than twenty days before the annual election, cause to be printed in pamphlet form, a full statement of all the receipts and expenditures of every description for the fiscal year ending on the thirty-first day of December preceding such statement, including all the moneys which have passed through the hands of the treasurer for any purpose whatever, together with the different sources of city revenue, the amount received from each, the several appropriations made by the

common council, the objects for which the same were made and the sums expended for each ; also any money borrowed upon the credit of the city, whether by temporary loans or by the issue of bonds, the terms upon which it was obtained, the authority under which it was borrowed, and the purpose to which it was applied, and how much of the same or other city indebtedness has been paid and by what means ; a copy of which statement shall be supplied to every citizen making application therefor. The statement shall also include a detailed account of city property, personal and real, its value, and if rented, to whom and on what terms, of existing debts of every description, and shall exhibit the condition of the sinking fund, with all such other information as may be necessary for a full understanding of the financial concerns of the city, distinguishing therein the indebtedness and property of the former cities of Brooklyn and Williamsburgh and towns of Bushwick and New Lots.

§ 11. The common council shall hold stated weekly meetings commencing on the first Monday of January in each year, unless the said first Monday happen on the first day of the year, in which case such stated meetings shall commence on the second Monday of January ; but the Mayor, or in his absence any three aldermen, may call special meetings of the board of aldermen, by notice to each alderman served upon him personally or left at his usual place of residence. The common council may, at any regular meeting by resolution, order a special meeting, and such resolution shall not require the approval of the mayor.

§ 12. The common council shall have power within said city to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws not inconsistent with this act or with the constitution or laws of the United States, or of this state, for the following purposes :

1. To order and direct the levy and collection of assessments and to manage its property and finances, subject, however, to the powers and duties herein prescribed in respect to the several departments created by this act.

2. To supervise the affairs of all the departments and officers herein named, and to examine into any charges pre-

ferred against any officer, clerk or agent of the city and into the affairs of any corporation, department or board in which the city may be interested, and for this purpose they shall have access to all the records thereto pertaining, and have the power to send for persons, books or papers, to administer oaths and to examine witnesses.

3. To regulate all matters connected with the public wharves and all business conducted thereon, and with all parks, places and streets of the city.

4. To regulate or prohibit swimming or bathing in the waters of or bounding the city, and to establish and maintain in the city one or more public baths, as they may deem necessary, and to establish suitable rules and regulations for the management of the same.

5. To prohibit and abate nuisances and assess the expenses of such abatement upon the city or upon the property affected thereby.

6. To regulate the burial of the dead.

7. To enlarge the fire district and to prohibit and regulate the storage or sale of materials which, in their judgment, are dangerous. Provided, however, that no extension of the fire district shall be of force and effect until the common council have given thirty days' notice of their intention to make such extension by publication thereof in the corporation newspapers in said city, and until the resolution of the board of aldermen providing for such extension shall have been duly approved by the mayor, and a copy thereof, as approved and certified by the clerk to the common council, shall have been published for thirty days successively in said corporation newspapers.

8. To prohibit or regulate and license all places of public amusement.

9. To regulate weights and measures and to appoint city surveyors.

10. To regulate and license common carriers, carriers of passengers, criers, hawkers, peddlers, pawnbrokers, junk dealers, public cartmen, truckmen, hackmen, cabmen, expressmen, dealers in coal, firewood, hay and straw, auctioneers, keepers of intelligence offices, keepers of billiard saloons,

bowling alleys, shooting galleries, exhibitions, menageries, circuses, common shows and dogs. The common council shall also fix an annual license fee, not exceeding the sum of twenty dollars, for each street or horse car daily operated or used in said city. Every railroad company operating or using such cars shall, on or before the first day of June in each year, certify to the city clerk the average number of cars daily operated and used by said company, which certificate shall be verified by the oath of one of the managing officers of said company, and every such railroad company shall, on or before the first day of July in each year, pay to the treasurer of said city the license fee so established for the average number of cars so operated and used by said company. Said license fees shall be taken in full satisfaction for the use of the streets or avenues, but the same shall not relieve said companies from any obligations required by law to keep such streets and avenues or any part thereof in repair.

11. To establish, license and regulate public and private markets, and to license, regulate or prohibit slaughter houses and any noxious traffic or business.

12. To prohibit disorderly conduct, and the keeping of disorderly houses, to restrain and punish vagrants, mendicants, street beggars, and common prostitutes, and to prescribe penalties for disobedience of this act and of all ordinances.

13. To direct the digging down, draining or filling up of lots or parcels of ground, in all cases in which, by a vote of two-thirds, they shall decide such digging down, draining or filling up to be necessary, for preventing any damage or injury to the streets, sidewalks, crosswalks, or to the adjoining property, or for abating a nuisance, which said work shall be done at the expense of the owners thereof; to direct the fencing in or inclosing of vacant lands adjoining any street, and the building and maintaining of sufficient brick or stone walls between any lot or piece of land, and any street or avenue adjoining the land, or between any lots where the same shall be required in the opinion of the said common council by reason of either of said lots not being on the grade of the street upon which either of the same may front,

to protect the lot or lots upon the grade of said street or to protect said street, and to require such wall to be built upon any lot or piece of land which shall not so conform to the grade, at the expense of the owner or owners thereof, and to assess and to collect the expenses of the work aforesaid, in the same manner as for regulating, grading and paving streets, but before any ordinance shall be passed for any of the purposes in this subdivision mentioned, ten days' notice of the application for, or the intention to pass such ordinance shall be given to every person to be affected thereby, either personally, or by publication in the corporation newspapers.

14. To do all other acts necessary to carry into effect the provisions of this act, or of such other acts as relate to the City of Brooklyn.

15. To cause sidewalks to be improved by the laying of flagstones thereon, or such other material as they may deem expedient for the purpose of making a good footpath, and to cause the expense thereof to be assessed upon the adjoining lots, and to be levied and collected in the same manner as other local improvements; also to repair the same or put sidewalks in a safe condition and to lay crosswalks and set and reset old curb and gutter stones. The expense for such repairs and laying of crosswalks shall be a charge upon the ward in which such improvements are made, and for the purpose of defraying such expenses the board of estimate are hereby directed to include in each year in their annual estimate and report of the amount necessary to be raised for city purposes in said city such an amount for each ward as they may deem sufficient to meet such expenses. No petition for any of the improvements in this subdivision mentioned, shall be necessary; but no assessment shall be laid which shall exceed one-half of the actual value of the lot to be assessed.

Subdivision 15 added by Chap. 371, Laws of 1889.

§ 13. The common council shall also have power to make, establish, alter, modify, amend and repeal all such other ordinances, rules, police, health, excise, fire and building regulations, and by-laws not contrary to the laws of the State or of the United States, as they may deem necessary to carry into effect the powers conferred on it by this act, or by any other law of the State, and such as they may deem necessary

and proper for the good government, order and protection of persons and property, and for the preservation of public health, peace and prosperity of said city and its inhabitants.

§ 14. In every by-law, ordinance or regulation which the said common council may pass, it shall impose a penalty for the violation or non-performance thereof, provided that any general penalty heretofore or hereafter imposed by ordinance of the said common council for the violation or non-performance of any ordinance wherein no specific penalty is imposed, shall be held to fulfill the requirements of this section. Ordinances heretofore or hereafter adopted may provide that a deposit may be required upon the issue of any permit, and that the head of the department whence the permit issues in case of any violation of the terms thereof, may apply such deposit or any part thereof necessary to save the city from loss of expense on account of such violation.

Ch. 703, Laws of 1893.

§ 15. Suits may be prosecuted in the corporate name of the city against any person or persons who shall violate any provisions of any law, ordinance or regulation of the common council of said city, or who shall neglect or refuse to perform any act or duty thereby required of him or them; and in every such action it shall be sufficient to state in the complaint, the by-laws, ordinance or regulation, and the section thereof, upon which such action is brought; and proceedings for any violations of the ordinances of the city imposing a penalty, may be commenced by warrant for the arrest of the offender, as well as by summons, to be issued by any magistrate or court having jurisdiction in the case, before whom complaint shall be made, under oath, and every police justice and justice of the peace in said city shall have jurisdiction in all such cases.

§ 16. Every general ordinance, by-law, rule or regulation which may be passed by the common council, imposing a penalty, shall after the passage thereof, and before the same shall take effect, be published for ten days successively in the corporation newspapers. Proof of such publication, by the affidavit of the printer or publisher of such newspaper or papers, taken before any officer authorized to administer

oaths, filed in the office of the city clerk, or a copy thereof certified by said city clerk, shall be deemed conclusive evidence thereof in all courts and places, but such publication may be proved by any other competent evidence.

§ 17. The common council shall designate four daily newspapers (one of which shall be printed and published in the eastern district of said city, and one of which shall be published in the German language, having the largest actual average daily circulation therein), in which shall be published all the ordinances, resolutions, notices, tax and assessment sales, and all other proceedings which by this act or any other act are, or may be required to be published affecting said city, provided that the aggregate expenditure shall not exceed sixty thousand dollars per annum, exclusive of tax and assessment sales, which shall be published by said papers, at rates to be fixed by the common council; and further provided that such papers as have been heretofore designated as corporation newspapers shall continue to act as such until the common council shall by a two-thirds vote of all the members elect, designate other papers in place of them or either of them.

Chap. 49 of the Laws of 1888 has the effect of repealing this section, and said act as amended by Chap. 87 of the Laws of 1890, is as follows:

§ 18. The common council shall designate four daily newspapers published in the City of Brooklyn (one of which shall be printed and published in the eastern district of said city and one of which shall be published in the German language) having the largest actual average daily circulation therein, in which shall be published all the ordinances, resolutions, notices, tax and assessment sales and all other proceedings which by this act or any other act are or may be required to be published affecting said city, provided that the aggregate expenditures for publication in such four newspapers shall be seventy thousand dollars per annum; sixty thousand dollars to be paid in equal parts to the three papers printed in the English language and ten thousand dollars to the paper printed in the German language, exclusive of tax and assessment sales, which shall be published by said papers at rates to be fixed by the common council; and further provided that such papers as have been heretofore des-

ignated as corporation newspapers shall continue to act as such until the common council shall by a two-third vote of all the members elect designate other papers in place of them, or either of them. The members of the common council chosen by the political party therein in the minority shall also designate a newspaper published in the English language and having the largest average daily circulation of newspapers published in said city, and not designated as hereinbefore provided, in which shall be made the same and all publications as is hereinbefore provided to be made in four newspapers, and compensation shall be made therefor at the same rate as is made as hereinbefore provided for publication in each of the other three newspapers published in the English language. Such designation by such minority members shall be made and may from time to time be changed by a majority of such minority members by filing certificates of such designation or change in the office of the clerk of the city. Hereafter no newspaper shall be designated as a corporation newspaper that has not been published as a daily paper in said City of Brooklyn for at least two years before being so designated.

Ch. 87, Laws of 1890.

BOARD OF ESTIMATE.

§ 18. The commissioners of the sinking fund of the City of Brooklyn, together with the supervisor-at-large and the treasurer of the County of Kings, shall be a board of estimate, who shall, in each year, estimate the amount required to be raised by law, for all city and county purposes, including the moneys raised for the board of education and the commissioners of charities for the fiscal year next succeeding; they shall state separately what will be required for city and county purposes, respectively. The amount so raised in said city for city and county purposes shall not exceed two cents per dollar upon an amount equal to the aggregate of the assessed value of the property in said city for the previous year, and no greater amount shall be raised in said city by tax for such purposes; but nothing herein contained shall prevent the raising by tax of any further moneys which shall be required to pay the principal and interest of the city and county debt hereafter to become due. The city and county departments and officers, including the park commis-

sioners and the commissioners of charities and the board of supervisors of Kings County, shall, on or before the fifteenth day of May in each year, transmit to the said board of estimate a statement in detail of the several amounts which in their judgment, will be required for the use of the said board of supervisors, the said department, officers and commissioners, respectively. The said board of estimate shall revise such statements and fix a certain amount to be raised for the use of the said board of supervisors : and each of the said several departments, officers and the said commissioners respectively, for the year next ensuing. The said board of estimate shall include each year in their annual estimate and report of the amount necessary to be raised for city purposes in said city, such amount, not exceeding one hundred thousand dollars, as they may deem necessary, to be used as a fund for the making of local improvements, except flagging or reflagging sidewalks and fencing vacant lots. And such further amount, not exceeding fifty thousand dollars, as they may deem necessary, to be used as a fund applicable to contracts for flagging or reflagging sidewalks, fencing vacant lots, digging down, draining or filling up lots or parcels of land, and such amounts included in the annual tax levy of said city for the purpose aforesaid, shall form a part of the assessment fund, but shall be used for the local improvements designated respectively and no other. The said board of estimate shall annually, on or before the first Monday in July, present to the common council of the City of Brooklyn their estimate of the amount to be raised for city purposes, and the said common council shall thereupon determine what sums shall be necessary for the year commencing the first day of January thereafter : they may, by a majority vote of all the members elected, reduce the said several amounts fixed by the said board of estimate for the said several city departments, officers and commissioners, including the board of education, but they shall not increase the said amounts ; and there shall be no further action taken on the said estimates by the common council after the first Tuesday in October ; the city clerk shall thereupon substitute, in each case where a reduction has been made by the common coun-

cil, the amount as reduced in place of that fixed by the board of estimate, and shall, on or before the second Monday in October, certify to the board of supervisors of Kings County the said several amounts as they then stand, giving also the aggregate amount thereof, and the said aggregate amount shall be raised for city purposes in the annual tax levy next following.

See Sec. 29 of this title.

The board of estimate authorized to provide for support of destitute mothers and infants.

Chap. 472, Laws of 1888.

The board of estimate authorized to provide for support of the ruptured and crippled.

Chap. 179, Laws of 1891.

The board of estimate authorized to fix salaries of certain officers, subordinates and employees.

Chap. 486, Laws of 1892.

The board of estimate authorized to include in annual statement amounts prescribed by law to be raised and paid to charitable institutions, &c.

Also to appropriate excise moneys to certain benevolent institutions.

Chap. 221, Laws of 1875.

The board of estimate authorized to provide for the celebration of memorial day.

Chap. 429, Laws of 1894.

The board of estimate authorized to fix salaries of certain officers.

Chap. 446, Laws of 1892.

The board of estimate to prescribe maximum amount to be annually expended for expenses of board of excise.

Chap. 401, Laws of 1892, Sec. 8.

§ 19. The common council shall have no power to remit fines for penalties incurred in violation of ordinances or forfeitures for non-fulfillment of contracts for work done in cases where local assessments may be laid.

§ 20. It shall be the duty of the mayor, comptroller and common council to include in their statements and estimates provided for by section eighteen of this title, the sum of four thousand dollars to be paid to the City Hospital; the sum of four thousand dollars to be paid to the Long Island College Hospital; the sum of four thousand dollars to be paid to the

Brooklyn Homœopathic Hospital; the sum of fifteen hundred dollars to be paid to the Brooklyn Central Dispensary; the sum of fifteen hundred dollars to be paid to the Brooklyn City Dispensary; the sum of fifteen hundred dollars to be paid to the Brooklyn Eclectic Dispensary; the sum of fifteen hundred dollars to be paid to the Brooklyn Homœopathic Dispensary; the sum of two thousand dollars to be paid to the Williamsburgh Dispensary; the sum of fifteen hundred dollars to be paid to the Long Island College Dispensary; the sum of fifteen hundred dollars to be paid to the Gates Avenue Homœopathic Dispensary; the sum of twenty-five hundred dollars to be paid to the Brooklyn Nursery; the sum of fifteen hundred dollars to be paid to the Williamsburgh Homœopathic Dispensary; the sum of twenty-five hundred dollars to be paid to the Brooklyn Lying-in Asylum; the sum of fifteen hundred dollars to be paid to the Eye and Ear Hospital of the City of Brooklyn; the sum of one thousand dollars to be paid to the Southern Dispensary and Hospital; the sum of fifteen hundred dollars to be paid to the Orthopedic Dispensary; the sum of four thousand dollars to be paid to the Saint Peter's Hospital; the sum of fifteen hundred dollars to be paid to the Saint Peter's Dispensary; the sum of fifteen hundred dollars to be paid to the Atlantic Avenue Dispensary; the sum of one thousand dollars to be paid to the Saint Mary's Dispensary; the sum of fifteen hundred dollars to be paid to the Brooklyn Diet Dispensary; the sum of fifteen hundred dollars to be paid to the Saint Catharine's Dispensary; the sum of four thousand dollars to be paid to the Saint Catharine's Hospital; the sum of one thousand dollars to be paid to the Helping Hand of Brooklyn; the sum of one thousand dollars to be paid to the Sheltering Arms Nursery of Brooklyn; the sum of four thousand dollars to be paid to the Brooklyn Home for Consumptives; the sum of four thousand dollars to be paid to the Memorial Hospital; the sum of four thousand dollars to be paid to the Saint Mary's Hospital of the City of Brooklyn; the sum of fifteen hundred dollars to be paid to the Central Homœopathic Dispensary; the sum of fifteen hundred dollars to be paid to the Memorial Dispensary; the sum of fifteen hundred dollars to be paid to the Bushwick and East Brooklyn Dispensary; the sum of fifteen hundred dollars to

be paid to the dispensary of the College of Physicians and Surgeons of Saint Mary's Hospital of the City of Brooklyn; the sum of four thousand dollars to be paid to the Methodist Episcopal Hospital of the City of Brooklyn: the sum of fifteen hundred dollars to be paid to the Lucretia Mott Dispensary and Infirmary: and the sum of two thousand dollars to be paid to the Saint Mary's Female Hospital; and the sum of fifteen hundred dollars to be paid to the Lutheran Hospital Association of the City of New York and vicinity; the sum of fifteen hundred dollars to be paid to the Brooklyn Throat Hospital: the sum of fifteen hundred dollars to be paid to the Bedford Dispensary; and the sum of two thousand dollars to be paid to the Saint Martha's Sanitarium and Dispensary; and the sum of three thousand dollars to be paid to the Central Throat Hospital and Polyclinic Dispensary; and the sum of four thousand dollars to be paid to the Long Island Throat and Lung Hospital and Peoples' Dispensary Association; the sum of four thousand dollars to be paid to the Norwegian Lutheran Deaconesses Home and Hospital; the sum of two thousand dollars to be paid to the Brooklyn Home for Aged Colored People; such several sums of money to be paid to the several institutions in consideration of their contracting to render and rendering medical and surgical aid and treatment to the poor of the City of Brooklyn, who may apply to them therefor; such contract to be in writing, executed on behalf of the city by the said mayor and comptroller, and also by the executive officers of said associations respectively, and to be approved by the counsel to the corporation of said city, and to be filed annually on or before the thirty-first day of May, in the office of the clerk of said city.

Chap. 181, Laws of 1894.

Chap. 445, of the laws of 1894, supplements the provisions of this section as follows:

SECTION 1. It shall be the duty of the mayor, comptroller and common council of the City of Brooklyn to include in their statements and estimates provided by section eighteen of title two of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, entitled: "An act to revise and combine in a single act all existing special and local laws affecting public interests in the City of Brooklyn," and the acts amendatory thereof,

the sum of three thousand dollars to be paid to Saint Mary's Maternity and Infants' Home; the sum of two thousand dollars to be paid to the Memorial Training School for Nurses; the sum of twenty-five hundred dollars to be paid to the Brooklyn Throat Hospital in addition to the sum of fifteen hundred dollars now provided by law; and the sum of two thousand dollars to be paid to Saint Martha's Sanitarium, in addition to the sum of two thousand dollars now provided by law; four thousand dollars to be paid to the Church Charity Foundation of Long Island for its hospital; and the sum of twenty-five hundred dollars to be paid to the House of Saint Giles the Cripple: the said sum of money to be paid to said institutions respectively in consideration of their contracting to render and rendering medical and surgical aid and treatment to the poor of the City of Brooklyn who may apply to them respectively therefor: such contract to be in writing, executed on behalf of the city by the said mayor and comptroller, and also by the executive officers of said institutions respectively, and to be approved by the counsel to the corporation of said city, and to be filed annually on or before the first day of May, in the office of the clerk of said city.

§ 21. The common council shall have power to alter and change the names of all the avenues, streets, places, alleys, lanes and public ways in the City of Brooklyn; and the record of the action of the common council in respect thereto shall be filed in the office of the city clerk, and shall be binding on all persons in respect to the matters thereby appearing.

§ 22. The common council shall have power to appoint such interpreters as may be necessary in the courts of justices of the peace and police justices in said city; fix their salaries, prescribe their duties, fill all vacancies and remove any person so appointed, for cause, at any time. And such appointments may be made upon the requisition or recommendation of said justices. The common council shall have power to change and fix and regulate the salaries of the following officers of said city, namely: the mayor, the comptroller, the auditor, the treasurer, the collector, the assessors, except the president, and the attorney and counsel of the corporation, and to fix and regulate the salaries of the several officers of said city, except such as are established by law, and excepting also the salaries of the subordinates in the several depart-

ments of said city. The salaries severally applicable to each head of a department, commissioner, assessor or justice holding office for a specified term shall not be changed during the term of office of the person at the time being the head of a department, commissioner, assessor or justice, nor during the time intervening between the general election and the first day of January following; and provided further that this section shall not apply to the following named officers and subordinates in the department of police, namely; the superintendent of police, the inspectors of police, the captains of police, the sergeants of police, the roundsmen of police, the detectives of police, the patrolmen, the police surgeons, the doormen, the fire marshal; nor to the firemen, engineers and drivers employed in the department of fire.

See Chap. 446, Laws of 1892, as to salaries.

Salaries of excise commissioners to be fixed by common council.

Chap. 401, L. 1892, Sec. 8.

§ 23. The common council shall have power to establish markets, make parks, build bridges and to make other improvements for the use of said city, and to create loans and to issue bonds therefor, payable at such times and in such manner and at such rates of interest as they may direct, but no such bonds shall be issued except as provided by law, nor unless the proposition for creating such debt shall have been previously submitted to the electors of said city at a regular charter election, of which three months' notice shall have been published in the corporation newspapers, and such proposition shall have then received the affirmative vote of a majority of the voters at such election.

§ 24. The common council may, by ordinance, direct the mode and manner of submitting such proposition to the electors of said city.

§ 25. In case the majority of said electors shall be in favor of creating such loan, the common council which shall be in office next after such election has taken place may, by a vote of a majority of all the members elected, confirm said loan; but no bonds shall be issued therefor until the common council shall have made specific provisions for a sinking fund, to

be raised by annual tax, sufficient to pay and discharge such bonds at maturity, and the faith and property of the city shall be and is hereby pledged for the final payment of any and all such loans.

§ 26. The common council, after the taxes have been levied in any year, shall have power to make temporary loans in anticipation of the collection of such taxes, such loans to be applied to the purposes for which such taxes have been levied, and for no other purpose, and such tax shall be inviolably applied to pay such loans.

§ 27. All ordinances now in force in the City of Brooklyn not inconsistent with this act shall remain in force until repealed.

§ 28. The keeper and the assistant keeper of the City Hall in the City of Brooklyn shall be appointed by the common council of said city, and shall hold their offices respectively for the term of five years, unless sooner removed, and until their successors are appointed, except that the persons hereafter appointed to succeed in office the present keeper and assistant keeper of the City Hall shall enter upon the duties of their offices on the first day of January, eighteen hundred and eighty-eight. See Ch. 80, Laws 1888.

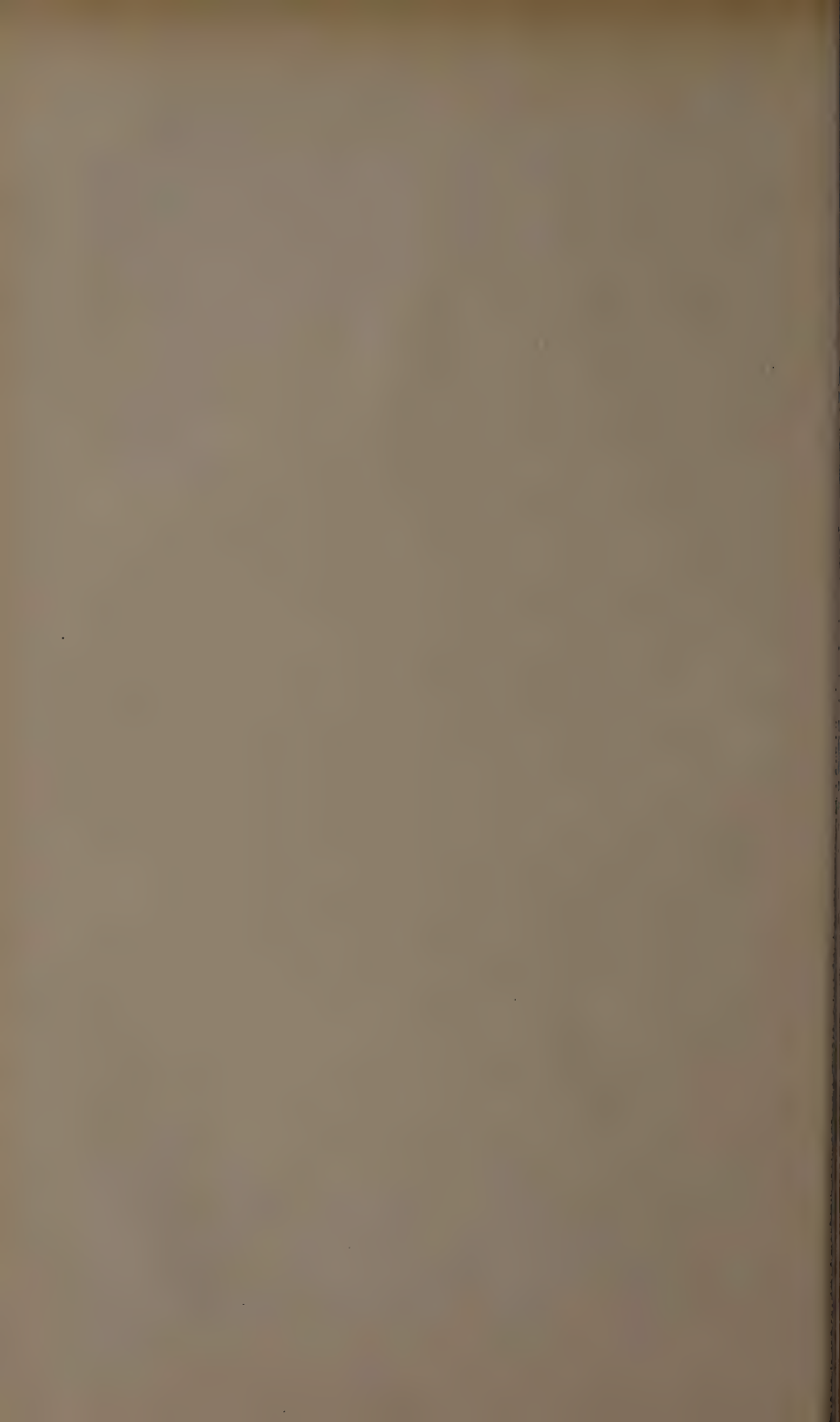
§ 29. The board of estimate created by section eighteen of this title may also include in their statements and estimates provided for by section eighteen of this title such sum or sums of money, not to exceed the sum of ten thousand dollars, for the period of ten years, annually, for the relief of the benevolent funds known as the widows' and orphans' fund of the various volunteer fire departments that formerly performed fire duties in the City of Brooklyn and Town of New Lots, which sum or sums of money shall be paid in the month of January, annually, by the comptroller of the City of Brooklyn to the treasurers of the said several benevolent funds for the uses and purposes of said funds, as follows: To the treasurer of the widows' and orphans' fund of the late volunteer fire department of the western district a sum equal to fifty per centum of the whole amount appropriated; to the treasurer of the widows' and orphans' fund of the late volunteer fire department of the eastern district a sum equal to forty

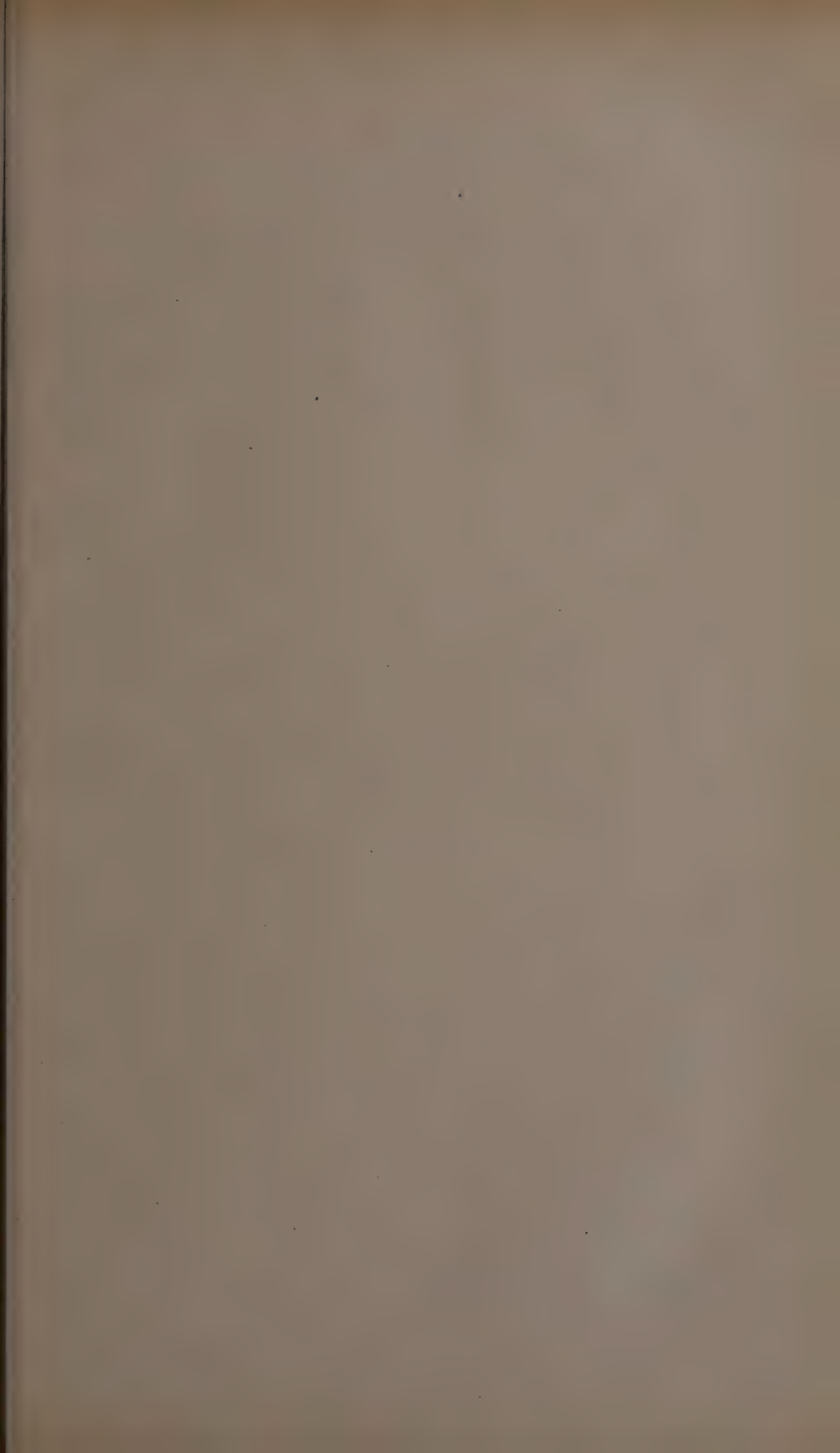
per centum of the whole amount appropriated, and to the treasurer of the widows' and orphans' fund of the late volunteer fire department of the Town of New Lots a sum equal to ten per centum of the whole amount appropriated, and such moneys shall be under the control and direction of the various boards of trustees, who now, by law, have the control and direction of said funds, and shall be used for the purposes of said funds and for no other purposes whatever.

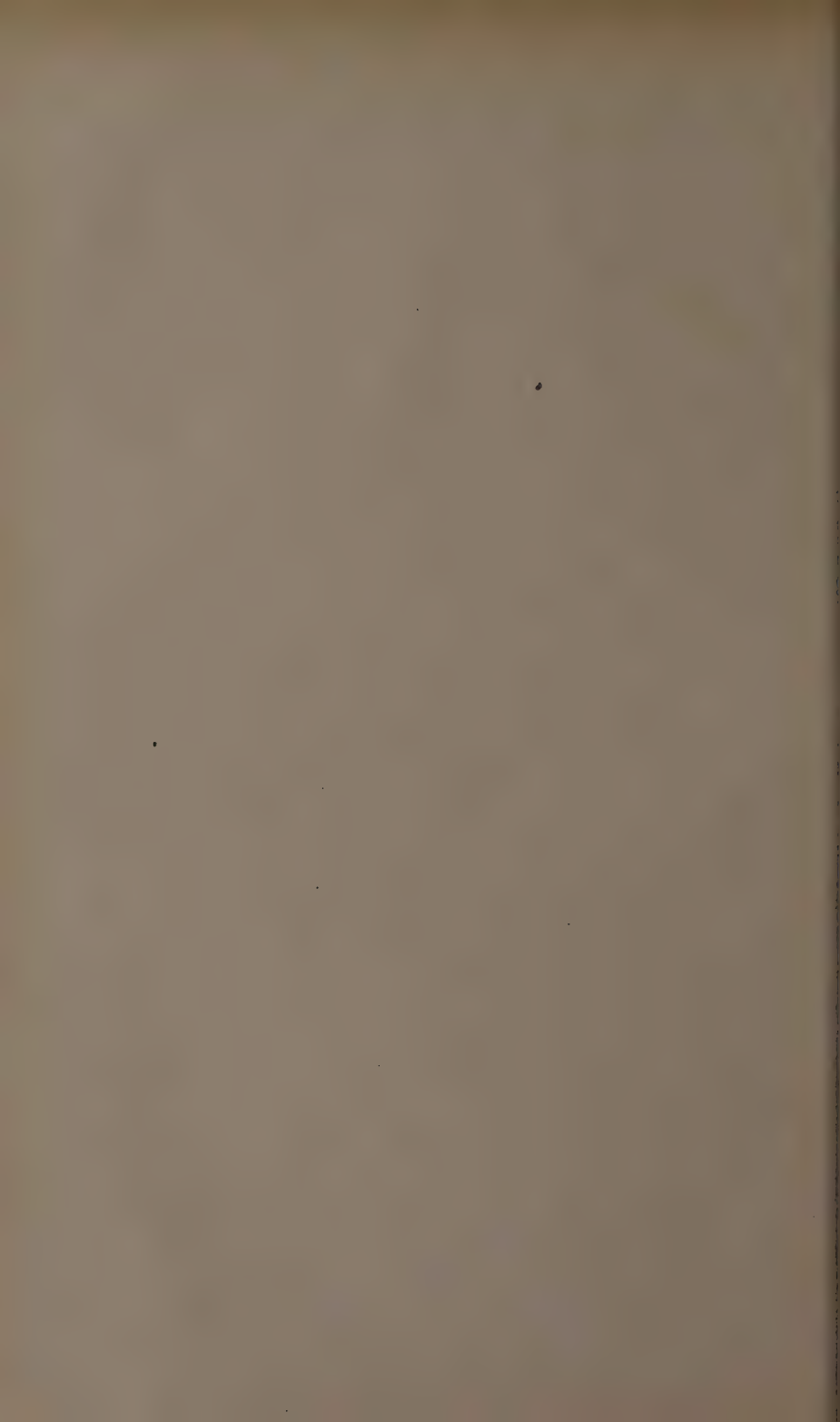
Ch. 86, Laws of 1890.

§ 29. The common council of said city shall have power from time to time to change, alter and reform the ward boundaries of the City of Brooklyn.

Ch. 455, Laws of 1892.







TITLE III.

OF CITY OFFICERS—THEIR ELECTION AND DUTIES.

SECTION 1. The administrative power of said corporation shall be vested in the mayor, the heads of the departments hereinafter named, and such other officers as shall, from time to time, be created by law or appointed by virtue of this act.

§ 2. There shall be the following departments :

1. Department of finance.
2. Department of audit.
3. Treasury department.
4. Department of collection.
5. Department of arrears.
6. Department of law.
7. Department of assessment.
8. Department of police and excise.
9. Department of health.
10. Department of fire.
11. Department of buildings.
12. Department of city works.
13. Department of parks.
14. Department of public instruction.

The heads of the said departments, except the department of finance and the department of audit, shall be appointed by the mayor as hereinafter prescribed. The head of each said departments (except the department of assessment) shall have power to designate and appoint, and at pleasure remove a person in his department as his deputy or first assistant; and the person so designated as deputy or first assistant shall during the absence or inability of the head of the department by whom he was appointed, have power to perform all the ordinary duties of such head of department, except the power to make appointments, subject, however, to such restrictions or regulations as may be provided by the head of the department so appointing him. All official business of the several said departments shall be transacted at the offices of the said departments and a continuous record or minute

shall be kept at the said offices, respectively, of such business. The officer or officers at the head of any department may appoint and remove his or their clerks and assistants and other subordinates, and fix their salaries; provided, however, that on and after the expiration of thirty days from the time when a new officer or officers shall have been appointed as such head of department, he or they may remove clerks or assistants only upon filing in writing the reasons for any removal with the city clerk, which reasons shall not be questioned in any other place, except that foremen, inspectors and laborers temporarily employed under the departments of city works may be removed at any time at the pleasure of the head of such department. No person employed on the police force or on the force for extinguishing fires shall be removed without cause, and then only after a public trial by the head of his department, and after having been found guilty of misconduct or neglect of duty, or having been adjudged incapable of performing his duty; the evidence on such trial shall be taken in full, and kept as a public record.

§ 3. The mayor, comptroller and auditor shall be elected, and all other officers shall be appointed, as in this act provided. The term of office of the mayor, auditor and comptroller shall be for two years, and in case of a vacancy in the office of either auditor or comptroller, now existing or hereafter created by death or resignation, the mayor of the City of Brooklyn shall appoint a proper person to be either auditor or comptroller, as the case may be, with all the powers and functions of such officer, to fill the vacancy so created, until the first day of January next succeeding the first annual election after the happening of the vacancy, and at such election a comptroller or auditor, as the case may be, shall be elected for the unexpired term, if any there be. No person shall be elected or appointed to any office unless he be at the time of his election or appointment a citizen of the United States, resident and elector of the city for at least three years immediately prior thereto; and if elected to any ward office, an actual resident in such ward, and his removal therefrom shall vacate such office.

§ 4. No person so elected or appointed shall, during his term of office, hold any other public office whatever (except that of commissioner of deeds and notary public), the fees or emoluments of which are paid out of the city treasury, or shall be directly or indirectly interested in any contract to which the city or any department thereof is a party; and the holding of any such other office or official position shall be deemed and held to be a vacation of the office to which he was elected or appointed. And no person so elected or appointed shall receive any compensation whatever except his salary fixed by law or ordinance for any services performed or work done under any public authority. The persons so elected or appointed shall severally execute a bond to the corporation, in such penalty and with such sureties as the common council shall require, conditioned for the faithful performance of their respective duties. In case such officers shall refuse or neglect for ten days after being notified of their election or appointment to execute or deliver to the city clerk, and in case of the city clerk to the comptroller, the bond therein required, such neglect or refusal shall be immediately reported to the common council, who may declare such office vacant; and thereupon the mayor shall nominate, and, with the consent of the common council, appoint proper persons to fill such vacancies. Such sureties shall justify in such form as the common council shall prescribe, and the bonds thereby required, after having been fully approved, shall be filed in the office of the city clerk, except that the bond of the city clerk shall be filed in the office of the comptroller, before any one of the officers required to execute the same shall enter upon the duties of their respective office. Every person elected or appointed to any office in pursuance of this act, or of any law or ordinance of the common council, shall, before he enters upon the duties of such office, take and subscribe before the mayor, city clerk, or some person authorized to administer the same, the constitutional oath of office of this State, and file the same in the office of the city clerk; and if any such person shall neglect to take such oath for ten days after receiving notice of his election or appointment, unless prevented by unavoidable absence from the city, or by sickness, from doing so, he shall

be considered as having declined said office, and the same shall be deemed vacant; and whenever such vacancy shall occur, the mayor shall nominate, and with the consent of the common council, appoint suitable persons to fill such vacancies except in cases where the power of appointment to the office to become vacant is vested in the mayor. In all such cases the vacancy shall be filled by appointment of the mayor alone. No officer or person who is paid a salary for his services from the city treasury shall receive to or for his own use any fees, perquisites of office, commissions, percentage, or moneys paid to him in his official capacity; but all fees, perquisites, commissions, percentages and moneys, so paid and received by any such officer or person shall be the property of the city, and shall be paid by him into the city treasury: and all moneys received for licenses or permits shall be paid into the treasury weekly, without deduction by the department or officer receiving them, and every such officer or person who shall receive any fees, perquisites, commissions, percentages, or other moneys which belong to the city, and should be so paid into the treasury, shall, before he shall be entitled to receive or be paid his salary, make under oath a detailed statement and return to the comptroller, in such form as he may prescribe, showing the aggregate amount of all such moneys received by him since the last preceding statement and return, and shall produce a receipt showing the payment of such sum into the treasury. The comptroller may require any such officer or person to make such statement and return to him, if it be not made as herein provided, and examine any such officer or person under oath, touching the amount of any fees, perquisites, commissions, percentages, or moneys paid to or received by him in his official capacity.

§ 5. Elections for mayor and such other officers as are by the provisions of this act to be elected, shall be held by the electors of the said city on the day of the general election at the same time and places and in such manner and under such regulations as are or shall be prescribed by law in regard to State elections.

§ 6. At the said elections the judges of the city court of

Brooklyn, police justices and justices of the peace, or such of them as are required to be chosen at any election, shall be voted for on a separate ballot, indorsed, "judiciary;" the mayor, comptroller and auditor shall be voted for on a separate ballot to be endorsed, "city officers;" the aldermen and constables shall be voted for on a separate ballot, indorsed, "ward officers." Such ballots shall be deposited by the inspectors of the different election districts in separate boxes, to be provided by the city.

This section is superseded by the General Election Law, Chap. 680, Laws of 1892, as amended by Chap. 233, Laws of 1893, and Chaps. 275 and 302, Laws of 1894.

§ 7. For the purpose of canvassing the votes given at any election, the board of aldermen shall constitute the board of canvassers. The mayor, or in his absence the president of the common council, shall preside, and the city clerk or his deputy shall be the clerk thereof. They shall meet at the room of the common council on the Tuesday next following the election, at or before one o'clock in the afternoon of that day, and a majority of aldermen shall constitute a quorum. The clerk shall then produce the original statements of canvass in each district, as the same shall have been delivered to him; and from them the board shall proceed to ascertain the vote given at such election for the several officers mentioned in such statements.

§ 8. They shall make a written statement of the whole number of votes given for the several officers to be elected at such election, the names of the persons to whom such votes were given, and the number of votes given to each.

§ 9. Upon such statement the board of canvassers shall proceed to determine and declare what person or persons have received the highest number of votes for each of the offices mentioned in such statement. In case any two or more persons shall have received an equal number of votes for the same office, the board shall determine by lot between them. The statement and final declaration of the board shall be certified by the presiding officer and clerk, and filed in the office of the county clerk.

§ 10. The clerk shall keep proper minutes of the proceedings of the board and enter the same with the statement and declaration of the board in the book of minutes of the board of aldermen. Said statement and declaration shall, within one week thereafter, be published in the corporation newspaper; and within ten days after the board shall have determined what persons have been elected, the clerk shall cause written notice of his election to be given to each of the persons so elected.

§ 11. No person shall be eligible to the office of mayor unless he has resided in the city at least five years, and has attained the age of twenty-five years. His salary shall be six thousand dollars per annum. He shall, by virtue of his office, be a supervisor of the County of Kings, and shall possess all the jurisdiction and exercise all the powers and authority in criminal cases of a justice of the peace of said city, in addition to the powers heretofore given him by this act, but shall receive no fees for his services as such justice of the peace, or for his services as supervisor. It shall be his duty:

1. To communicate to the common council, at their first meeting in the month of January, each year, and oftener if he shall deem it expedient, a general statement of the condition of the city in relation to its government, finances and improvements, with such recommendations as he may deem proper.

2. To be vigilant and active in causing the laws and ordinances of the city to be duly executed and enforced, to exercise a constant supervision over the conduct and acts of all officers, to examine into all complaints preferred against them for a violation or neglect of duty, and generally to perform all such duties as may be required of him by law; for which purpose he shall have and possess all the authority and power in criminal cases, to arrest and commit for examination all offenders for offences committed within said city against the laws of this State, of a police magistrate or justice of the peace of any of the towns of this State, and for the preservation of the peace. And shall have the power and authority to issue warrants against any and all persons violating any of the ordinances, by-laws or regulations of the common council,

or to direct the proper officers to arrest such persons, and summarily to hear, try and determine and dispose of the same, where the penalty imposed by said ordinance, by-law or regulation shall not exceed ten dollars. And in case the penalty imposed by said ordinance, by-law or regulation shall not be paid forthwith, upon such person being adjudged guilty, then the said mayor shall have power, by warrant under his hand and seal, to commit the said offender to the county jail of Kings County for a term not exceeding thirty days, or until the fine is paid; and in cases where the penalty shall exceed ten dollars, the said mayor may, after examination, hold the parties to bail. And in all cases where such person shall hold a license or warrant, granted by the common council, or any of the officers thereof, it shall be lawful for the said mayor to suspend said license or warrant, or the person so found guilty, from the benefits and privileges of said license or warrant until the common council shall pass upon the same. And it shall be the duty of the mayor to report the fact of such suspension, together with his reason therefor, to the board of aldermen at the next meeting thereof. And no person so suspended shall be entitled to any benefits, privileges or rights under such license or warrants until the suspension shall be removed by the common council. He shall, jointly with the comptroller, sign all warrants, bonds and other obligations of the corporation. But he shall not sign any warrant or other obligation unless a proper voucher therefor shall have been first examined and certified to by him; and he shall sign no bonds for any loan unless the receipt of the treasurer for the money loaned shall have been first seen and indorsed by him.

§ 12. The mayor shall have sole and exclusive power to appoint the heads of the several departments, except the head of the department of finance and the head of the department of audit, and shall have sole and exclusive power to appoint the assessors and members of the board of education, hereinafter mentioned; and the term of office of said appointees and their successors shall be for two years, except the assessors, whose term shall be for five years and the board of education, whose term of office shall be three years; provided,

however, that if the mayor shall refuse or neglect for a period of thirty days after the expiration of the term of any officer, to make an appointment to office authorized to be made pursuant to this section, then and in that case such refusal or neglect shall be adjudged and deemed to be in all respects equivalent to and taken as an express appointment of the commissioner or other officer who may at the time be holding such office. The mayor may suspend any officer appointed by the mayor, provided he shall forthwith serve in writing upon the person suspended the charges and specifications upon which such suspension has been made, and on a notice of not less than five nor more than ten days, served upon the mayor by the person so suspended, the special term of the supreme court shall forthwith hear the proofs and arguments on such charges and specifications, and determine thereon if such suspended officers should be removed, and the judgment of such special term that such officer be removed, affirmed by the general term of the supreme court, shall remove the person so suspended from office from the date of his suspension; but if the judgment of the special term or of the general term of the supreme court shall be against such removal, such suspension shall thereupon cease; provided that the mayor may appeal from a judgment of the special term, favorable to the accused, to the general term and the general term may reverse the judgment of the special term and find judgment of removal against the accused officer, if in its judgment justice so requires. The mayor may, if the interests of the city require it, make a temporary appointment during such suspension. Heads of departments and officers of said city shall not be liable to third parties for the misfeasance or nonfeasance of any person appointed by or subordinate to them. All vacancies occurring during the term for which an officer shall have been appointed shall be filled only for the unexpired term of such officer.

See Ch. 467, Laws of 1888.

§ 13. Whenever there shall be a vacancy in the office of mayor, or whenever the mayor shall be prevented by absence from the city, by sickness, or any other cause, from attending

to the duties of his office, the president of the board of aldermen, or, if the said president shall be absent or disabled, the president to be elected pro tempore shall act as mayor, and possess all the rights and powers of the mayor during the vacancy in office, or such absence or disability of the mayor, or of the president of the common council.

§ 14. There shall be elected annually, in each ward, one constable, who shall hold office for the term of one year from the first day of January succeeding his election. He shall give such security as shall be prescribed by the common council, and shall perform the duties which are by law prescribed to constables in the towns and counties of this State.

§ 15. The mayor may at any time assign any justice of the peace or police justice to hold court in any district in the city of Brooklyn, and every such court shall be open for the transaction of business from nine o'clock in the forenoon until three o'clock in the afternoon.

§ 16. There shall be elected at the general election to be held in the year eighteen hundred and ninety-three, and at such election every two years thereafter, by the electors respectively of the first, third, fifth, seventh, ninth, eleventh, thirteenth, fifteenth, seventeenth, nineteenth, twenty-first, twenty-third, twenty-fifth and twenty-seventh wards of the said city, one supervisor for each of the said wards; and there shall be elected at the general election, in the year eighteen hundred and ninety-two and at such election every two years thereafter, by the electors respectively of the second, fourth, sixth, eighth, tenth, twelfth, fourteenth, sixteenth, eighteenth, twentieth, twenty-second, twenty-fourth, twenty-sixth and twenty-eighth wards of said city, one supervisor for each of the last mentioned wards, and at the general election to be held in the year eighteen hundred and ninety-two there shall be elected by the electors of the twenty-seventh ward of said city a supervisor who shall hold office for one year from the first day of January next succeeding his election and until his successor shall be chosen as above provided and shall have qualified. The supervisors so chosen shall be entitled to take their seats on the first day of January next succeed-

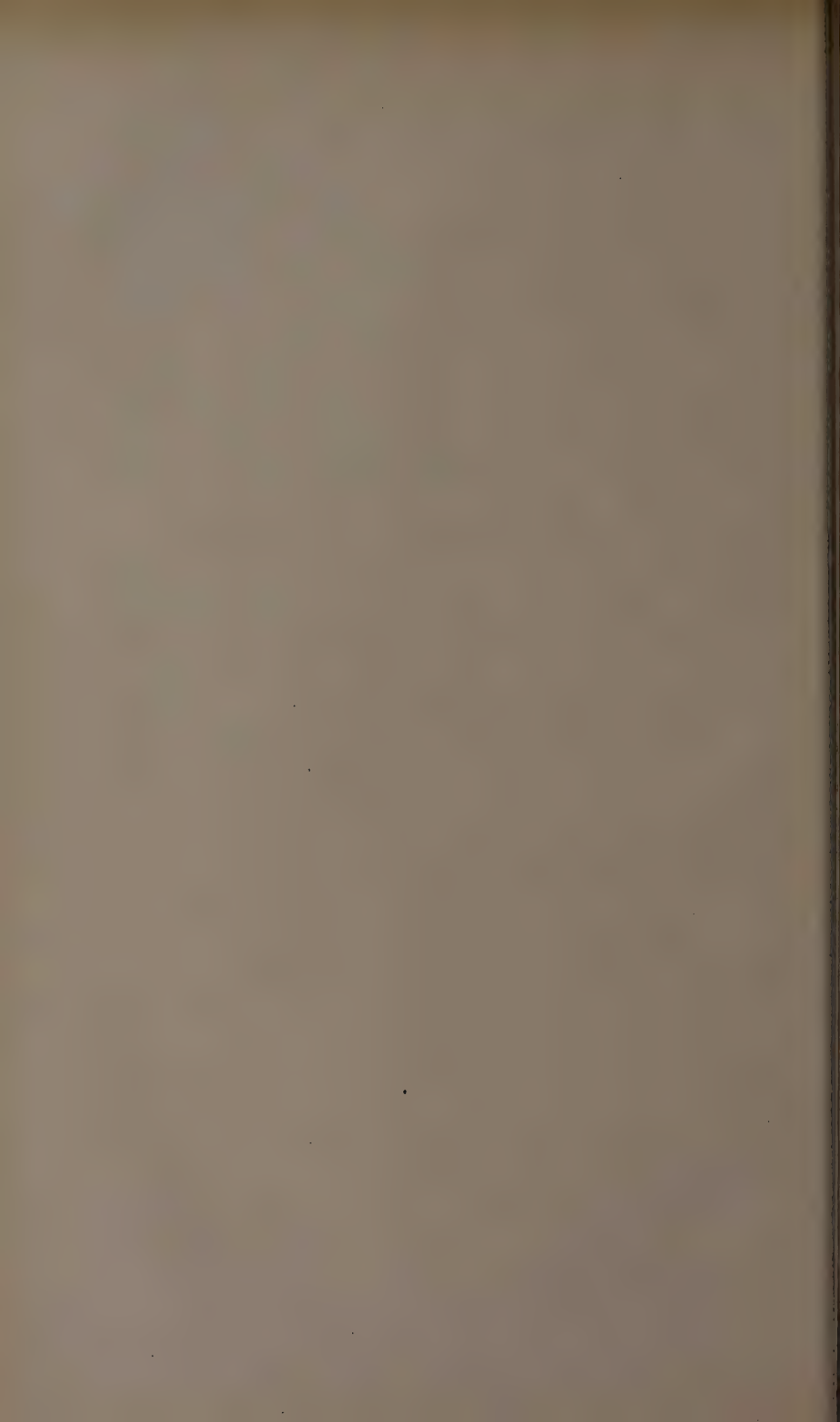
ing their election, and shall hold their office until their successors shall be chosen as above provided and shall have qualified. The supervisors to be chosen, by this section provided, shall possess the powers and be entitled to the compensation respectively of the supervisors of the County of Kings.

Ch. 57, Laws of 1892.

§ 17. Any supervisor elected under the provisions of this title may resign his office at any time by filing a written resignation with the city clerk, and the said office shall be and become vacant immediately upon the filing of such resignation.

§ 18. Whenever a vacancy shall occur in the office of supervisor for any of the wards of said city such vacancy shall be filled by the common council. The person appointed to fill such vacancy shall hold his office by virtue of such appointment until the beginning of the political year next succeeding the first annual election after the happening of the vacancy, and if such vacancy shall exist after the commencement of said political year the same shall be filled at the general election next preceding such time.

Ch. 35, Laws of 1893



TITLE IV.

OF THE DEPARTMENT OF FINANCE.

SECTION 1. There shall be a comptroller, who shall be elected at the general election to be held in the year one thousand eight hundred and eighty-eight, and every two years thereafter. His salary shall be six thousand dollars per annum. His term of office shall commence on the first day of January next succeeding his election. He shall be the head of the finance department, having the direction and management of the accounts and finances, subject to the ordinances of the common council, and shall render to the common council, as often as required, a full and detailed statement of all the receipts and disbursements of the city government, specifying the amount expended and unexpended on each appropriation made by the common council, with the state of account, together with a general statement of liabilities and resources of the city, and such other information as may be necessary to a full understanding of the financial affairs of the city. He shall also, under the direction of the common council, prepare the annual statement hereinbefore directed to be published, and manage all the financial concerns of the corporation, in addition to such duties as may be required of him by law. He may administer an oath to any person or officer who shall be required to render an account or make any return to him, or furnish proof of his right to receive any sum of money or any evidence of indebtedness from the said comptroller, or from the City of Brooklyn. He shall prescribe the forms and methods of keeping and rendering all city accounts, the forms of accounts and pay-rolls to be used in the several departments and offices, the manner in which all salaries shall be drawn, and the mode by which all creditors, officers and employees of the corporation shall be paid. All salaries shall be payable monthly. No expenditures, debts or disbursements of the several departments or other officers shall be paid, except upon vouchers properly certified and audited, as provided by this act.

§ 2. All accounts rendered to or kept in the other departments of said corporation shall be subject to the inspection and revision of the officers of this department, and be kept in the manner prescribed or approved by the comptroller, subject to the ordinances of the common council.

§ 3. No bonds, stocks, or other obligations of the City of Brooklyn, hereafter to be issued, shall be sold, unless bids for the same shall be advertised for by the comptroller in the corporation newspapers, and also in two daily newspapers published in the City of New York, to be designated by the comptroller, for at least ten days; and all such bonds, stocks, and obligations shall be awarded to the highest bidder therefor, by the mayor and comptroller, after publicly opening such bids by them; provided that no bonds, stocks, or other obligations shall be sold for less than their par value and accrued interest, unless with the consent of the mayor, comptroller and finance committee of the common council. The mayor and comptroller may reject all bids which they consider not for the advantage of the city.

§ 4. All stocks, bonds, certificates and other obligations of the City of Brooklyn, hereafter issued under the authority of this act or any other act, whether general or special, shall be disposed of by the mayor and comptroller and shall bear interest at such rate, not exceeding four per centum per annum, as the said mayor and comptroller shall in their discretion fix and determine, except that certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes may bear such rate of interest, not exceeding six per centum per annum, as the said mayor and comptroller shall determine, and all bonds hereafter to be issued by the City of Brooklyn, by virtue of this act, or of any other act, whether general or special, shall be free and exempt from all taxation except for State purposes. The comptroller shall keep careful accounts of the same in his office and shall prescribe the form of such obligations and sign the same jointly with the mayor, but no stocks, certificates or bonds or other obligations shall be delivered by them for any loan to the corporation until the amount has been actually deposited in the city

treasury and the receipt for the money is produced and filed in the comptroller's office.

Ch. 455, Laws of 1894.

See Ch. 357, Laws of 1892.

§ 5. Whenever the City of Brooklyn shall issue any bonds or certificates of indebtedness to secure the payment of money at the end of any term or terms of years, such bonds or certificates of indebtedness may be so made and issued that by the terms thereof the city shall have an option to pay such bonds or certificates at or within a period of time prior to the time when they are to be fully due and payable, and after a notice by public advertisement, to be specified and stated in such bonds or certificates, said city shall have the right to exercise such option according to the terms of such bonds or certificates, and after such option shall have been exercised and notice thereof given according to the terms of the instrument, such bonds or certificates shall be due and payable at such time as may be thus fixed and designated. The officers authorized to issue any such bond or certificate shall have the right to fix the form and terms thereof, and such officers or their successors shall have the right on behalf of said city to exercise the option and give the notice hereinbefore provided for.

§ 6. The comptroller shall prescribe proper rules and regulations for the transfer of all stocks and bonds which, by their tenor, are transferable, and shall provide proper and convenient books for such transfer, which shall be kept in the comptroller's office. But no transfer of any stock or bond shall be allowed, and no new certificate therefor shall be issued, without the surrender and cancellation of the certificate previously issued for the same.

§ 7. The accounts of the city shall be divided into six distinct classes. The first of said classes shall be called the general fund, the second shall be called the special fund, the third shall be called the revenue fund, the fourth shall be called the sinking fund, the fifth shall be called the redemption fund, the sixth shall be called the assessment fund. No money raised or received for the use of one of said funds shall at any time be used for the purpose of either of the other of said funds, except as hereinafter provided.

OF THE SEVERAL FUNDS AND THE ACCOUNTS
TO BE KEPT THEREFOR.

§ 8. The general fund shall comprise all taxes levied for any purpose within said city, and the receipts therefrom, and all payments made on account thereof; also all city appropriations and expenditures provided for by such tax, and by the income of the revenue fund. The accounts of said funds shall also include the loans, receipts and expenditures on account of purchasers by the city of lands sold for unpaid taxes and water rates, and redemption thereof, the extension and repair of the city water works, the Prospect Park and other public parks, the construction of the East River bridge and other public improvements. A pro rata proportion of all the moneys collected by tax within said city shall be due to the county monthly, and shall be paid by the financial officers of the city, upon the requisition of the county treasurer.

§ 9. The special fund shall comprise all loans, assessments and receipts for special local improvements, including interest thereon; also all payments on account thereof, and for the redemption of such loans and the interest thereon. The accounts of this fund shall also include the receipts and disbursements on account of the laying out and opening of new streets, avenues, squares and places.

§ 10. The revenue fund shall comprise all the moneys levied, assessed and received for the collectors' and assessors' fees, default and interest on taxes, and arrears thereof, interest on redemptions of property purchased by the city for unpaid assessments, taxes and water rates, costs and fees of city officers, advertising fees, inspectors' fees, licenses, fines and penalties, court fees and fines of the police and justices' courts, sales of personal property, rents and proceeds of sales of real estate, except as otherwise provided in this act, interest on deposits and all revenues of the city whatsoever from other sources than taxes, except as herein otherwise provided. The revenue fund shall be kept inviolate, except for the payment of judgments against the city for which no sufficient or other provision has been made, charges (for advertising etcetra) on arrears of assessments, taxes and water

rates, fines by law made payable to any public institution, expenses and damages on account of the rejection of assessments for local improvements, interest on city loans not otherwise provided for, and expenses authorized to be incurred by sections two and six of title eighteen of this act, and the accounts of said fund shall exhibit the payments if any made, for each of said purposes, and a rebate on all taxes, assessments and water rates as hereinafter provided. The balance remaining to the credit of said fund on the first day of September, in any year, shall be transferred to the general fund on or before the thirty-first day of December of each year, and such amount shall be deducted from the amount otherwise necessary to be raised by tax for city purposes for the ensuing fiscal year. The comptroller shall have the power to transfer any portion of any annual appropriation which he shall ascertain, after provision has been made for the annual use thereof by the common council, to be in excess of the amount actually needed for the purpose for which any such appropriation shall have been made, to the revenue fund.

§ 11. The sinking fund shall comprise all moneys heretofore or hereafter raised by tax or received from other sources for the payment of the principal or interest of city loans, together with the interest accruing from the investment of such money by the commissioners of the sinking fund, also all payments made for investments, interest on the city loans and for redemptions of the principal thereof. The accounts of this fund shall at all times exhibit the description and amounts of securities and investments belonging to it, also the amount of unemployed money on hand, and the names of the institutions in which the same are deposited.

§ 12. The redemption fund shall comprise all moneys received for the redemption of real property sold for assessments, taxes and water rates (except in cases where such property shall be purchased by the City of Brooklyn), and all moneys paid to holders of certificates of sale issued by the collector of taxes and assessments, or the registrar of arrears. All redemption moneys deposited in the treasury shall be drawn therefrom only upon checks prepared and signed by the registrar of arrears and countersigned by the comptroller.

§ 13. The assessment fund shall comprise all moneys raised by tax for the purpose of making local improvements as hereinafter provided.

§ 14. The faith of the city, as constituted by this act, and the property belonging to it, are pledged to the final payment of all moneys heretofore borrowed or raised by the City of Brooklyn, under or by virtue of any law of this State, and any sum of money for which the whole or any part of the City of Brooklyn is now liable shall be raised on those parts of the city which were liable for the same on the passage of this act.

§ 15. The net surplus income from the public water works of the city, after paying the interest on all outstanding bonds issued for the construction and extension of said works, and after discharging any other claims by law chargeable against the water revenue, shall be paid over to the commissioners of the sinking fund at the end of each year, and such surplus, together with the interest thereon, shall be appropriated solely for and toward the payment and redemption of the water bonds of said city: provided, however, whenever such surplus income, after the payment or deduction of all expenses and charges of maintenance and distribution, as provided in section five, title fifteen of this act, and also the interest on all outstanding bonds issued for the construction and extension of said works, shall in any year before the year eighteen hundred and ninety-six amount to the sum of three hundred thousand dollars, the commissioners of the sinking fund, or of the special sinking fund, denominated the water sinking fund, may, in their discretion, apply any proportionate amount of said surplus, not exceeding one-third thereof, to the reduction of the amount which must be inserted in the annual estimate and be raised by taxation to meet the interest on any of the bonds or obligations of the City of Brooklyn; and further provided if such surplus income, after paying the charges for maintenance and distribution and interest, as aforesaid, shall in any one year before the year nineteen hundred amount to the sum of five hundred thousand dollars, the sinking fund commissioners aforesaid may, in their discretion, apply any proportionate part of said surplus, not ex-

ceeding one-half thereof, to the reduction of the amount which must be inserted in the annual estimate and raised by taxation to meet the interest on any of the bonds or obligations of the City of Brooklyn.

Chap. 453, Laws of 1890.

COMMISSIONERS OF SINKING FUND.

§ 16. The moneys and securities of the sinking fund shall be under the control and management of three commissioners, consisting of the mayor, comptroller and auditor, who shall be known as the commissioners of the sinking fund. The comptroller shall have the custody of all securities, books and papers belonging to said commissioners or appertaining to said fund. All bonds and other securities belonging to the sinking fund shall be endorsed by the comptroller as follows: "The property of the sinking fund of the City of Brooklyn, transferable from said fund only by written order of the mayor, comptroller and auditor, the commissioners of said fund." Any transfer, without such order, of any bond so endorsed shall be null and void.

§ 17. The commissioners of the sinking fund shall meet once in each month, or oftener if required, in the office of the comptroller, for the transaction of business connected with said fund. The comptroller shall appoint one of the clerks in his office to act as secretary for the commissioners of the sinking fund, but such clerk shall receive no additional compensation for services rendered as such secretary. The mayor, or in his absence, the comptroller shall preside at such meeting.

§ 18. The said commissioners shall, from time to time, invest the money of said fund in any stock, for the payment of which the faith of this State or the United States is or shall be pledged, or in any of the bonds or securities issued by said city or the County of Kings, and shall deposit said moneys with any safe moneyed corporation in this State, and make such contract with such institution for the duration of such deposits and the interest thereon as they shall consider for the best interest of such fund, and may also at such times and upon such terms as they may deem advisable, pay any

part of the moneys borrowed or raised for the final payment of which the faith and property of the city is pledged in pursuance of law. And the said commissioners may, from time to time, in their discretion, cancel and destroy all or any bonds or obligations of the said City of Brooklyn, in which heretofore or hereafter any of the money of said fund may have been or may be invested. And it shall be the duty of the sinking fund commissioners on or before the fifteenth day of May in each year to certify to the board of estimate such amounts of money as must, under the law, be inserted in the ensuing annual estimate of said board and raised by taxation to meet the annual interest upon, or the principal of, any bonds or obligations issued by the said City of Brooklyn.

Chap. 453, Laws of 1890.

§ 19. The comptroller shall keep the accounts of said fund, and the said commissioners shall report to the common council, semi-annually at its first meeting in January and July, a particular account of the condition of said fund, specifying the receipts and payments since the last report, the amount and description of stocks and securities held by them, with the interest they bear, the institution holding deposits, amount of such deposit and the rate of interest paid thereon, respectively: also the amount of securities purchased, if any, and the rate paid therefor.

§ 20. He shall charge to the registrar of arrears the amount of all arrears of taxes, assessments and water rates, transmitted to him for collection, with all sums properly chargeable by said registrar for default interest, fees, charges and expenses, and all amounts received for redemption of property sold for unpaid taxes, assessments and water rates, and shall credit his account with all payments made to the treasurer on account thereof, and with all duly authorized deductions and cancellations.

§ 21. He shall charge to the collector of taxes and assessments the amounts named in the rolls and lists annexed to all warrants delivered to him for collection, with all the sums properly chargeable by said collector for default and interest, and shall credit him with all payments made by him to the treasurer on account thereof, and with all duly authorized

deductions, discounts and cancellations, and with all uncollected taxes and assessments which shall have been duly transmitted to the registrar of arrears.

§ 22. He shall countersign all checks on the treasurer drawn by the registrar of arrears for the redemption moneys upon the production and cancellation of the certificate of sale or lease of the property redeemed.

§ 23. All contracts for local improvements shall state, as near as may be, the total amount thereof; and the comptroller shall keep a correct account of all liabilities incurred under contracts with the amounts paid on account of the same, and render statements thereof as often as may be required by the common council. No contract for any local improvement, except for sewers, shall be awarded or entered into unless an estimate of the amount to be expended under the same shall have been first prepared by the commissioner of city works and submitted to the common council. The amount of liabilities incurred under contracts for local improvements shall not exceed at any time the amount which, by law, may be borrowed by the city to pay for such improvements. Any officer signing or executing any bond, obligation or contract, in contravention of the provisions of this title, shall be deemed guilty of a misdemeanor, and on conviction thereof, be liable to imprisonment for not less than one year, and to a fine of not less than one thousand dollars for each offense. The term local improvements, wherever it appears in this act, shall be construed and is hereby declared to embrace the grading, re-grading, paving, re-paving and curbing of streets, the laying of cross-walks and flagging, setting of lamps and posts, fencing, digging down and filling in of lots and the building of any draw bridge to connect one part of a street with another, and any other work for which an assessment for benefit may be laid.

§ 24. Before the making of any contract for flagging or re-flagging sidewalks, fencing of vacant lots, digging down, draining or filling up of lots or parcels of land, the comptroller shall certify that there is sufficient money in said assessment fund applicable thereto; and upon the making of such contract, the said comptroller shall appropriate and set apart so

much of the said assessment fund provided for in the thirteenth section of this title as shall be necessary to pay the cost of said improvement, and the same shall be used for that purpose.

§ 25. Whenever the city shall by law be authorized to borrow money on bonds or other obligations for any specific purpose, the money so borrowed shall be applied only to such purpose; provided, however, that any premium realized upon the sale of said bonds or obligations may, in the discretion of the sinking fund commissioners, be applied to reduce the interest charges upon the bonds or obligations from whose sale they may have been obtained and received, or toward the extinguishment of the issue from whose sale such premium may have been obtained or received. And any surplus remaining after accomplishing such purpose for which the money was borrowed shall be paid into the sinking fund for the redemption of such bonds or obligations: and it shall not be lawful for the common council of the said city to borrow any money except under special provision of law, or as provided in this act, or to enter into any contract by which they may be compelled to pay money, except for the purposes for which they are or may be authorized to raise money by tax, and then only to an amount not exceeding the sum they are authorized by law to raise by tax during the municipal year for the purpose for which such money may be borrowed or contract entered into; it shall be the duty of the said common council to pay all moneys so borrowed, with interest accruing thereon, and to discharge all such contracts out of the money raised by tax during the same municipal year for which the money is borrowed or contract entered into, except as otherwise by this act provided.

Chap. 453, Laws of 1890.

§ 26. All contracts or copies thereof, made by the city with individuals or corporations shall be filed in the office of the comptroller. He shall have charge of, collect and pay over to the treasurer, all rents due or to become due to the city from any property the custody and care of which is not by this act or other laws committed to some other department or officer.

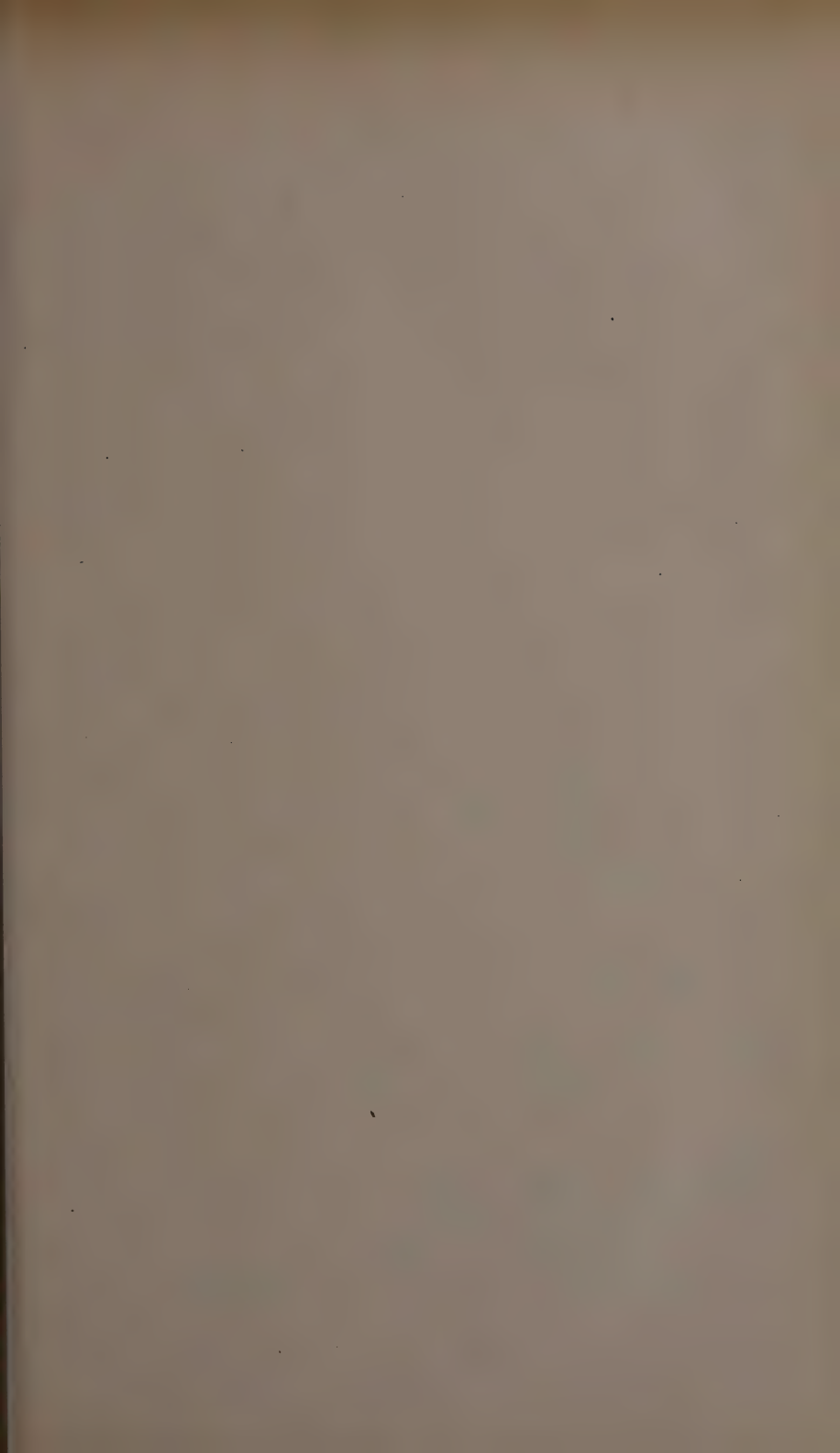
§ 27. It shall be the duty of the comptroller to furnish to the treasurer statements of all the appropriations made by the common council, before any warrants shall be drawn on account of the same; he shall notify the mayor, in case of any neglect or failure on the part of any officer or officers authorized to collect any moneys for, or on account of the city, to deposit their collections in the treasury, and thereupon the mayor shall suspend such officer or officers, and proceed against them as herein prescribed in cases of misfeasance or non-feasance in office.

§ 28. It shall be the duty of the comptroller, auditor and chairman of the finance committee of the common council to examine annually the accounts of the collector of taxes and assessments, registrar of arrears, registrar of water rates and the treasurer, and to present to the common council, at its first meeting, after the first day of January in each year, the result in writing of such examination; and it shall be the duty of the auditor and the chairman of the finance committee of the common council to examine annually the accounts of the comptroller, and to report thereon in like manner. The common council or the financial committee thereof may, at any time, order a further examination of such accounts.

§ 29. It shall be the further duty of the comptroller from time to time to communicate to the common council plans and suggestions for the increase of the revenues, for promoting economy in the public expenses, and generally for improving the administration of the finances of the corporation.

§ 30. It shall be the duty of the comptroller to pay to the treasurer of Kings County on or before the first day of January, February, March, April, May and June of each year the pro rata share of the taxes annually raised by the City of Brooklyn for State and county purposes as now provided by law, and on or before the first day of July of each year the said comptroller of the City of Brooklyn shall pay to the said treasurer of Kings County the full amount of the balance of all taxes raised by the City of Brooklyn for State and county purposes for the current fiscal year. Nothing herein contained shall change the time for the payment of the

Kings County State tax into the State treasury. For the purpose of carrying out the provisions of this section, the comptroller of the City of Brooklyn is authorized and empowered at any time when the funds in his hands are not sufficient to make the final payment in July as heretofore provided, to issue certificates of indebtedness of the City of Brooklyn in amount sufficient to meet the requirements of this section.



TITLE V.

DEPARTMENT OF AUDIT.

SECTION 1. There shall be an auditor, who shall be elected at the general election to be held in the year one thousand eight hundred and eighty-eight, and every two years thereafter, whose term of office shall commence on the first day of January next succeeding his election, and he shall be the head of the department of audit, and shall receive an annal salary of three thousand five hundred dollars. It shall be his duty to examine all bills presented against the city for payment. No claim against the city, including claims for local improvements, shall be paid unless he shall certify that the services have been rendered or the materials furnished for which such bills may be presented, and that the charges are just and reasonable, or according to contract.

§ 2. All moneys drawn from the treasury shall be upon vouchers for the expenditure thereof, examined and allowed by the auditor, and also approved by the comptroller, in whose office all such vouchers shall be filed.

§ 3. No bill or claim shall be audited unless the same be made out in items; certified by the head of the department or officer having cognizance of the subject of such claim.

§ 4. He shall also have the right to require from the different officers all the information which they possess, and to inspect any book, contract, resolution or other paper or document in their respective departments or offices, and it is hereby made the duty of all such departments and officers to furnish and permit the same when so required by him.

§ 5. He shall also have the right to examine any person presenting claims for settlement or other witnesses concerning any such claim and to administer an oath to any such claimant or witness.

§ 6. It shall be the duty of the auditor to report to the common council, weekly, the name of every person in whose favor an account has been presented during the preceding week, with the decision of the auditor upon the same, and his final action thereon.



TITLE VI.

OF THE TREASURY DEPARTMENT.

SECTION 1. The head of the treasury department shall be called the treasurer. He shall be appointed by the mayor, as hereinbefore provided. His term of office shall be two years, and shall commence on the first day of February next succeeding his appointment. He shall receive an annual salary of four thousand dollars. The treasurer shall receive and deposit daily all moneys belonging to the city in such banks and trust companies, to the credit of the city, upon such terms and in such amounts as the commissioners of the sinking fund may direct, or as he, in default thereof, may determine. The amount so deposited shall be, as near as may be, in proportion to the capital of the several banks and trust companies in which such deposits shall be made, and all interest that may accrue on all money so deposited shall be collected by and be credited to the city quarterly, and a detailed account thereof furnished to the comptroller. He shall keep an accurate account of all receipts and payments, and make weekly returns thereof in such manner as the comptroller may direct. It shall be the duty of the heads of the several departments, all justices of the peace, police justices and all other officers of the city, to pay him all moneys by them received belonging to the city, at the times and in the manner provided in this act, or in cases not so provided for, as may be directed by the common council, or in default thereof, by the comptroller, and to account thereof under oath, with items, to the comptroller. No moneys shall be drawn from the treasury except in pursuance of an appropriation by the common council or under the provisions of existing laws, and upon warrants signed by the mayor or acting mayor, and by the comptroller or his deputy, and countersigned by the city clerk, or, in his absence, by his assistant. Such warrants shall specify for what purpose the amount therein mentioned is to be paid, the appropriation or account on which it is drawn, and the date of the law or resolution

authorizing the same, and the said clerk shall keep an accurate account of all orders directing moneys to be paid, in a book to be provided for that purpose, provided that redemption moneys may be drawn out of the treasury by checks signed by the registrar of arrears and countersigned by the comptroller.

§ 2. It shall be the duty of the treasurer to keep books showing at all times the condition of the several appropriations, and such other particulars as may be directed by the comptroller; but no warrant shall be paid on account of any appropriation, or be charged to any account, unless there is a balance equal to the amount of such warrant standing to the credit of the proper account and applicable to such warrant; provided that if the comptroller shall deem it advisable to effect a sale of bonds at any particular time he may, with the consent of the mayor, overdraw any of the accounts which are made up from the moneys received for the sale of bonds, but such overdrafts shall in no case exceed the amount for which bonds may be issued by the city under existing laws on the particular account so overdrawn; and it shall be the duty of the financial officers of the city to issue and sell such bonds when the money shall be needed by the city.

§ 3. The treasurer shall give receipts in duplicate, in such form as shall be prescribed and approved by the comptroller, for the moneys paid to him for taxes, assessments, loans or other purposes, which receipts shall specify what the amounts are for, and the accounts credited by him therewith, and all such receipts or duplicates thereof shall forthwith be filed with the comptroller by the person paying such money.

TITLE VII.

DEPARTMENT OF COLLECTION.

SECTION 1. The head of the department of collection shall be the collector of taxes and assessments, who shall be appointed by the mayor as hereinbefore provided. His term of office shall be for two years and shall commence on the first day of February next succeeding his appointment. He shall receive an annual salary of five thousand dollars. He shall collect and receive all moneys that may be or may become due under any warrant delivered to him for the collection of taxes and assessments, which moneys he shall pay to the treasurer of the city on the same day on which he receives them. He shall render an account thereof to the comptroller in detail, who shall compare the amount received with the respective items on the tax and assessment list in his office, and note all payments on the margin opposite such items, with the date of such payments. The amounts included in all warrants for the collection of taxes and assessments delivered to the tax collector, together with all default and interest, shall be credited by him on the books in his office to the city; and the amounts paid by him to the treasurer on account thereof, with all rebates, reductions and cancellations shall be charged by him to the city together with all items of uncollected taxes and assessments transmitted by him to the registrar of arrears.

§ 2. The said collector shall have the same powers as the collectors in the several towns of this State, not inconsistent with this act. It shall not be necessary for the collector to call personally or by deputy upon the persons named in the annual tax-rolls and demand the taxes, in case where such taxes are for real estate, nor shall it be necessary for him to levy any such tax upon real estate, by distress and sale of the goods and chattels of the person who ought to pay the same; but he shall, upon receiving such annual tax-rolls, cause a notice to be published for thirty days in the corporation newspapers of the said city that the said tax-rolls have been com-

pleted and the warrant for the collection of the taxes delivered to him, and that all persons are required to pay their taxes at his office without delay under the penalties of the law. He shall annex to such notice and publish therewith a copy of the tenth section of this title. He shall publish a like notice immediately after the warrant for the collection of any assessment shall have been delivered to him. He shall also, within twenty days after said assessment list and warrant shall be delivered to him, cause bills of the several amounts therein assessed to be served personally or left at the places of residence of the persons charged with or liable to pay such assessments, if residents of the city, and if not residents he shall cause bills to be sent to such persons by mail, addressed to their reputed places of residence.

§ 3. If any person who shall have become surety for the collector shall, by notice in writing, to be served on the mayor or city clerk, require the said collector to renew his official bond, such person shall be discharged from all future liability as such surety from and after the settlement of the accounts of the collector for moneys received prior to such discharge, who shall be required to make such statement within thirty days after notice from the common council to that effect.

§ 4. There shall be added to and included in every tax and assessment levied and assessed in the City of Brooklyn, the sum of two per cent. upon the amount of such tax and assessment for the expense of collection, which together with the amount to be added for neglect to pay within the time specified in the warrants of the collector, as hereinafter provided, shall be for the use of said city.

§ 5. If any collector or deputy collector shall convert to his own use in any way whatever, or shall use by way of investment in any kind of property or merchandise, or shall loan in any way, or shall deposit elsewhere than in the city treasury, any portions of the moneys or checks received or collected by him as such collector or deputy collector, every such act shall be deemed and adjudged to be an embezzlement of so much of said moneys or checks as shall be thus taken, invested, used or loaned or deposited and is hereby declared to be a

felony punishable by imprisonment in a State prison for a term not exceeding five years. If such collector shall retain in his possession for more than one business day any moneys received by him, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall pay a fine of five hundred dollars for every business day during which such moneys are retained by him.

§ 6. The supervisors of the County of Kings shall cause the corrected assessment rolls of the several wards, or fair copies thereof, with warrants for collection, to be delivered to the collector on or before the fifteenth day of November in each year, and shall also deliver to the comptroller a copy of such rolls; and the common council shall cause every assessment roll made for any improvement in said city, or a fair copy thereof, with a warrant for collection, to be delivered to said collector within ten days after the same shall be finally confirmed, and also deliver to the comptroller a copy of such roll. But no warrant for the collection of any assessment shall be issued by the common council until all the proceedings had in laying said assessment shall have been examined and certified as correct by the commissioner of city works and the corporation counsel, which certificate shall be endorsed upon or annexed to the assessment roll, and shall be presumptive evidence of the regularity of the proceedings. The collection of taxes shall be commenced on the first day of December in each year.

§ 7. The collector of taxes and assessments is hereby directed to prepare an abstract of each of the assessments for local improvements, the amount of which is directed by law to be included in or collected with the general taxes, showing first the amount of the respective assessments upon each parcel of land assessed, less any amount paid thereon; secondly, the installments which are to be collected in each year upon each lot, with interest added in those cases in which the interest is to be collected, and he shall furnish to the comptroller a duplicate of such abstract.

§ 8. The collector of taxes and assessments aforesaid is authorized to receive the total amount of said assessment upon any piece or parcel of land at any time before the time fixed

for the complete payment thereof, with interest thereon to the time of payment, and any defaults accrued thereon, and upon such payment shall cancel such assessment upon the piece or parcel of land the assessment upon which is so paid.

§ 9. All warrants for the collection of taxes and assessments, in addition to any other signatures required by law, shall be signed by the mayor and comptroller, and all warrants for the collection of assessments shall be under the corporate seal of the city, attested by the clerk: and all warrants for the collection of taxes and assessments shall require the collector to collect, within one year from the date thereof, from the several persons named in the roll and lists annexed thereto, the several sums mentioned in the last columns of such roll opposite to their respective names, and to pay the same to the treasurer, as hereinbefore provided, and to render detailed accounts thereof to the comptroller; and these warrants shall not be renewed except in cases where the collection has been stayed by any legal proceedings, and in such cases the common council shall have power, after the cessation of such stay, to cause new warrants to be issued to the collector for the full term of one year, as if no previous warrant had been issued. This provision shall apply to all cases where the collection has been or hereafter may be stayed by any legal process or proceedings. The warrant shall also require the collector, upon the expiration of one year from the date thereof, to make a return of all uncollected items to the registrar of arrears.

§ 10. On all taxes and assessments which shall be paid to the collector before the expiration of one month from the time the same shall become due and payable, an allowance shall be made to the person or persons making such payments, at the rate of seven and three-tenths per centum per annum for the unexpired portion thereof, and the amount of such allowance shall be credited to the account of the collector and charged to the account of the revenue fund. On all taxes, assessments and water rates paid after the expiration of one month from the time the same shall have become due and payable, there shall be added to and collected as part of every such tax, assessment or water rate, interest at the rate

of nine per centum per annum, to be computed from the time the same became due and payable to the date of said payment.

§ 11. On every bill rendered for taxes by the collector of taxes and assessments there shall be ruled a column headed "notices," and a further column headed "assessments due," in which the said collector shall cause to be written opposite the ward number of the lots, the word "arrears" or "sold" or "assessments due," according to the entries in the assessment rolls headed "notices" or "assessments due." And it shall be the duty of the said collector of taxes and assessments immediately upon the delivery to him of the annual assessment rolls in each year to cause to be entered opposite the ward numbers of the lots in the column headed "assessments due" in said rolls the title of any assessment then due and collectable in his department, or which may be delivered to him for collection during that current year, and when any one of these assessments shall be transmitted to the registrar of arrears pursuant to section nine of this title, the collector of taxes and assessments shall cause to be stamped over the entry of such assessment in said column in the annual assessment rolls, the word "arrears," and the collector of taxes and assessments shall, upon delivery to him of the annual assessment rolls, immediately deliver the same to the registrar of arrears, whose duty it shall be to cause to be stamped in the column headed "notices" in said rolls the word "arrears" opposite the ward number of the respective lots which appear upon the list for the unpaid tax of the immediately preceding year, which shall have been returned to said registrar as required by section fourteen of this title, and the collector shall cause the same to be noted on every bill for taxes rendered by him in like manner as when assessments are due. And at the foot of every such bill there shall be printed the following words: "The entries in the column headed 'assessments due' indicate that a lot or lots referred to have assessments on them which can be paid in the office of the collector of taxes and assessments, and the entries in the column headed 'notices' indicate that the lot or lots referred to have been sold

for arrears or are to be sold therefor; the arrears to be paid and the lot or lots redeemed from sale at the office of the registrar of arrears." Any omission in any tax bill of such entry in the column "notices" or "assessments due" of the word arrears or "sold" or "assessments due," as above required, shall have no other effect than to postpone the time of sale of the property represented by the ward number opposite which the entry shall have been omitted in case of arrears, for the further term of one year, and in case the property has been sold, to cancel the sale without prejudice to the city's claim: but no such bill shall be considered evidence of such omission unless actually paid and duly receipted, and upon any application, case or hearing arising upon an alleged omission of any such entry, the burden of proof shall be deemed to be upon the owner. Property, the sale of which has thus been cancelled, shall not be offered for sale again within one year from the date of cancellation.

Chap. 368, Laws of 1889.

§ 12. If any of the taxes mentioned in the rolls annexed to the warrants shall remain unpaid at the expiration of one year from the time said warrants shall be delivered to the collector, and he shall not be able to collect the same, he shall deliver to the comptroller an account of the taxes so remaining due, with an affidavit that the same is a true account of the taxes remaining unpaid, and that he has not been able, upon a diligent inquiry, to discover any goods and chattels belonging to or in possession of the persons charged in said rolls for personal taxes, whereon to levy the amount of such personal taxes, he shall be credited by the comptroller with the amount thereof, and if any of the assessments mentioned in the assessment rolls annexed to the warrant for the collection of assessments for benefits shall remain unpaid at the expiration of one year from the time said warrant shall have been delivered to the collector, and he shall not be able to collect the same, he shall deliver to the comptroller an account of the assessments so remaining due, with an affidavit, as hereinafter mentioned.

§ 13. Upon affidavit being made before the comptroller, or before any other person authorized to administer oaths in the

County of Kings, by the collector to whom any warrant for the collection of any assessments shall be delivered, as aforesaid, or his deputy, that the sums mentioned in any such account of assessments rendered to the comptroller by him remain unpaid, and that he has not been able to collect the same, and that within twenty days after the warrant for the collection of the same had been placed in his hands he caused a bill to be served personally on or left at the place of residence of the person or persons charged with or liable to pay such assessment, if a resident of the city : if not a resident of the city, that he had deposited such bill in one of the post-offices in said city, addressed to the person or persons assessed, at his, her or their last reputed place of residence, which bill contained the name or title of the improvement, the name of such person, the amount due from such person, and the time when the warrant would expire ; such collector shall be credited by the comptroller with the amount of said account.

§ 14. It shall be the duty of the collector of taxes and assessments to make a return to the registrar of arrears, on the expiration of one year from the date of his warrant in each year, of all items of taxes levied in the previous year remaining unpaid ; and he shall, at the same time, notify the comptroller, in writing, of the aggregate amount of said arrears so returned and due from each ward, and thereupon extend the said items in the tax rolls into the column headed "arrears," and balance on his books the accounts of the taxes of that year. After such return of arrears shall have been made to the registrar of arrears, no payment shall be received on account thereof by the collector of taxes and assessments : but he may, nevertheless, and it shall be his duty to certify to the registrar of arrears any omissions or overcharges which may have been made in any such return to him, which shall, upon such certificate, be duly added or cancelled by said registrar ; provided, however, that no such amount shall be cancelled or remitted after the same has been once settled.

TITLE VIII.

DEPARTMENT OF ARREARS.

SECTION 1. The department of arrears shall have the management and control of all matters relating to advertising and selling property for unpaid taxes, assessments and water rates and the redemption of property sold therefor. The head of the said department shall be called the registrar of arrears. He shall be appointed by the mayor, as hereinbefore provided, and his term of office shall be for two years, to commence on the first day of February next succeeding his appointment. He shall receive an annual salary of five thousand dollars.

§ 2. In the month of December in each year the registrar of arrears shall prepare a list of the parcels of land and premises in said city upon which any tax or assessment theretofore levied or imposed shall have at any time theretofore been returned or transmitted to his office and shall remain unpaid and in arrears, and said list shall designate the ward in which said lands are situated, the block and lot number by which the same are designated or known on the assessment map of such ward, the street, avenue or road on which the same fronts, on which side thereof, and between or near what streets it is situated, the name of the person to whom the same was assessed or taxed on the roll of the last annual tax for which the same shall be in arrears, and the aggregate amount of the arrears of taxes and assessments on the same, exclusive of interest and default, with such further description of the premises or of the particulars of said arrearages as the said registrar shall deem proper, and shall cause the said list to be printed in pamphlet form for distribution to such persons as shall make application for the same at his office. The said registrar of arrears, after the preparation of such list as aforesaid, shall publish at least once in each week for four weeks in each of the corporation newspapers a notice that such list has been prepared and may be obtained at his office, and that the several parcels of land

specified in said list will be sold at public auction to the highest bidder, at a time and place specified in said notice, not less than thirty days after the first publication thereof, for the payment of the aggregate amount of all arrears of taxes and assessments thereon, with all default, interest and expenses accrued thereon. It shall not be necessary in said notice to include any particulars of the property to be sold, and it shall not be in any wise an objection to the validity of any sale that any person has for any reason failed to procure a copy of the list aforesaid, or that said list incorrectly states or omits to state the name of the person to whom any parcel is assessed, the assessed valuation thereof, or the amount or description of any tax or assessment or any other matter or thing hereinbefore required or authorized to be stated in said list, provided that the ward, block and lot numbers of the said lands are correctly stated in said list. It shall be the duty of said registrar, from and after the first publication of said advertisement, to deliver to any applicant at his office, within office hours, a written or printed list of all the parcels of property intended to be included in said sale, but it shall not be in any wise an objection to the validity of any sale that any person has for any reason failed to receive such list. Affidavits of the publication of such notice of sale in the manner above provided, and of all other notices required by the provisions of this title to be published, made by some one of the respective publishers of each of said corporation newspapers, or by some person in the employ of such publishers having cognizance of such publication, may be filed in the office of the said registrar, and shall thereupon become public records, and shall be prima facie evidence in all courts and places of the matters stated in such affidavits. Any omission of the said registrar to make the said list at the time above specified shall not prevent his making the same and advertising the property for sale thereafter, and any property omitted from any list and sale which ought to have been included therein may be included in a subsequent list and sale, notwithstanding such omission.

§ 3. At the time and place specified in said notice the said registrar of arrears shall proceed to sell the said lands desig-

nated in said list, upon which any of such arrears of taxes or assessments remain unpaid, at public auction to the highest bidder in each case for a sum not less than the aggregate amount of all such arrears of taxes and assessments remaining unpaid with all interest and default accrued upon the same, and the further sum of five dollars on each parcel sold, for the costs and expenses of such sale, to be collected and received by the registrar of arrears for the use of the city. Said sales may be adjourned or continued from time to time by the said registrar, but it shall not be necessary to publish any notice of such adjournment or of the continuation of such sale. The amount of any tax, assessment and lien fixed or certified, or that may be hereafter fixed and certified, under the provisions of sections one and two of chapter one hundred and fourteen of the laws of eighteen hundred and eighty-three, shall not be included in the amount of arrearages for which any lands shall be advertised or sold under the preceding provisions of this title, nor shall any lands upon which such tax, assessment and lien so fixed or certified as aforesaid shall remain unpaid or uncollected be sold under the preceding provisions of this title, until the same is paid or collected by sale or otherwise. In cases where any tax, assessment or water rate, levied or imposed, or attempted to be levied or imposed on any parcel of land or premises in said city, exclusive of the twenty-sixth ward thereof, prior to the first day of July, eighteen hundred and eighty-two, remains unpaid and in arrears, the determination of the board of assessors, made pursuant to chapter one hundred and fourteen of the laws of eighteen hundred and eighty-three, as to the amount to be charged and assessed upon and against each parcel of land aforesaid, certified under the signatures of a majority of the board of assessors to the registrar of arrears and to the comptroller of said city shall be final and conclusive upon all persons owning or having any interest in, or lien upon said lands, and against all persons whomsoever, and the amount so fixed, determined and certified by them in each case, is hereby declared to be and made a valid and binding tax, assessment and lien upon the land so designated in lieu and instead of all outstanding claims of the City of Brooklyn for arrearages of taxes, assessments or water rates levied or con-

firmed, or attempted to be levied or confirmed, prior to the said first day of July, eighteen hundred and eighty-two, and shall be a valid lien on said lands, having priority over all other liens, claims and demands whatsoever, except taxes, assessments and water rates levied after said date, and the proceeds thereof, when collected, shall be applied to the discharge of any of the obligations of the City of Brooklyn arising upon tax certificates and bonds and certificates issued on account of local improvements, and bonds issued to meet deficiencies on such bonds and certificates, and shall also be applied to the payment of the expenses of carrying out the provisions of this act when certified by the head of the department incurring such expense, and approved and allowed by the mayor. The amount of said tax, assessment and lien so fixed and certified in respect of each and every parcel included in such certificate thereof, shall be due and payable from and after the delivery of said certificates respectively, and shall be collected by said registrar, without interest, if the same shall be paid within sixty days after the filing of such certificate with him, and if not so paid, with interest from the date of filing such certificate, at the rate of six per centum per annum from the filing of such certificate, and if not paid within six months from the filing of such certificate, at the rate of twelve per centum per annum from the filing of such certificate. The registrar of arrears shall not be required to make any demand for the payment of said tax, assessment and lien, and if, after the expiration of twelve months from the filing of the said certificate, the amount therein certified in respect of any parcel of land, shall not have been collected or paid, the said registrar, after giving notice by advertisement, in the same manner hereinbefore in this section prescribed, in respect to the like proceeding, shall sell said parcel at public auction to the highest bidder for a sum not less than the amount unpaid, and all interest accrued thereon.

Chap. 33, Laws of 1892.

§ 4. The registrar of arrears shall, on the receipt of the purchase money on any sale, as provided by this title, deliver to the purchaser a certificate of such sale, which shall contain a covenant on the part of the City of Brooklyn to refund the

amount paid for said lands, with interest at the rate of four per centum per annum from the date of sale, and all sums paid by him for taxes, assessments and water rates as hereinafter authorized, with interest at the rate of four per centum per annum from the dates of such payments respectively, in case the said title conveyed by said sale shall prove invalid, by reason of any matter or thing happening prior to the sale: provided, however, that no claim can be made nor any action maintained against the City of Brooklyn, upon or under said covenant, or otherwise, to recover the amount paid to the City of Brooklyn for any lands sold under the provisions of this act, unless an action to recover the same shall be commenced within six years after the delivery to the purchaser, his legal representatives or assigns, of the deeds of said lands and premises as hereinafter in this section provided, nor unless the purchaser or his assigns shall have, within one year after the date of said sale, caused notice of such sale to be served on the persons entitled to redeem the said lands, as provided in section seven of this title, and shall have, within fifteen months after the service of such notice, applied for and received a deed for said lands as hereinafter provided. Upon presentation of said certificate of sale and proof of the service of the notice of such sale, as hereinafter provided, upon the owners and mortgagees of the said lands and premises, the registrar of arrears shall, after the expiration of one year from the date of such service, execute and deliver to the purchaser on such sale, his legal representatives or assigns, a deed for said lands and premises, and such purchaser, his legal representatives and assigns, shall take a good and sufficient title in fee simple absolute to the property sold, of which the said deed shall be presumptive evidence, and in any proceeding or action to be by said purchaser, his heirs, legal representatives or assigns, taken, prosecuted or defended for the recovery of the possession of the property so sold as aforesaid, or in the establishment or defense of his or their title shown as aforesaid, by such deed, such title shall not fail or be defeated by reason of any irregularity or formal defect in the procedure taken under this act, upon which said sale shall have been made, or such title conveyed as aforesaid. The City of Brooklyn may be a purchaser at any sale of

lands under the provisions of this title, and with the same right, title and effect as any other purchaser, whenever the mayor, comptroller and corporation counsel, or a majority of them, shall so determine, and the certificates of such sales to said city shall be delivered to the comptroller, who shall, in behalf of said city, cause a notice of said sale to be served on the owners and mortgagees of the land so purchased, as provided in section five of this title. And the comptroller may, with the assent of the mayor, assign and convey any of said certificates or the right and title of the city in any lands acquired under such sale on payment of a sum not less than the amount which would be required to redeem such lands under the provisions of this act. And said comptroller shall have the care and custody of all lands which may become the property of the City of Brooklyn by reason of such purchases, and may make such repairs upon any building or buildings thereon as he, with the assent of the mayor, may deem necessary. The moneys required to be paid by said city for the expenses of serving notices and the payment of taxes, water rates or assessments on premises purchased by the city for any unpaid taxes, assessments and liens, filed, determined and certified pursuant to the provisions of chapter one hundred and fourteen of the laws of eighteen hundred and eighty-three, and for the making of such repairs, shall be charged upon and paid from the fund constituted by the proceeds from the collection of said taxes, assessments and liens, and the moneys required to be paid by said city upon any other purchase made pursuant to the provisions of this act, and for the expense of serving notices of such sales and the payment of taxes, water rates and assessments on property so purchased, and for the making of such repairs, may be taken from the revenue fund in case there is no other fund applicable. The certificates of sale made under the provisions of this title shall, from the time of sale and record thereof, constitute a lien upon the land and premises sold and described in the certificates; provided, however, that the lien and claim of every purchaser of lands hereafter sold, or taxes or assessments, shall terminate from and after the expiration of ten years from the date of sale, unless such purchaser or his assigns shall within that time have given

the notices required by this title to entitle him to a deed of said premises and shall have applied for and received such deed, and it shall be the duty of the registrar of arrears to cancel on the records in his office all such sales where no deed shall have been delivered within ten years from the date of sale.

Chap. 580, Laws of 1894.

See Chap. 353, Laws of 1894.

§ 5. Any person or persons having an estate in or any mortgagee of any of the lands and premises sold in pursuance of the third section of this title, whose estate or lien appears on record in the County of Kings, may at any time before the expiration of one year after notice shall have been given to him of such sale by the purchaser or his assigns in the manner hereinafter provided, or before a deed of said premises shall have been delivered, as provided in section four of this title, redeem said lands and premises by paying to the registrar of arrears for the use of purchaser or his assigns the sum paid by him on such sale, and ten per centum on the same, but such percentage shall not exceed the sum of one hundred dollars on any one parcel of land sold. And on such redemption there shall be paid on the aggregate amount made up of the sum paid by the purchaser at the sale and the said percentage, interest from the date of said sale at the rate of fifteen per centum per annum and one dollar for each notice (not exceeding six) served as hereinafter provided, together with all such sums which shall have been paid by such purchaser or his assigns for taxes, assessments or water rates on said lands levied, imposed or becoming due after the tax, assessment or water rate for which the sale was made, with interest thereon from the date of such payments, respectively, at the rate of nine per centum per annum (which said payments said purchaser or his assigns is hereby authorized to make). And upon filing with the registrar of arrears a duplicate receipt for such payments, the date and amount of such payments shall be entered upon the record of such sale in the office of said registrar of arrears, and the amount so paid and entered shall be included, with interest thereon, as aforesaid, in the

amount to be paid on the redemption of the said premises, as herein provided. Such notice shall be in writing and shall be served by delivering a copy thereof to the person or persons aforesaid personally, except in case of a non-resident of this State, in which case such notice may be served either personally or by depositing the same in the post office of the City of Brooklyn, inclosed in a post paid wrapper, directed to such person or persons at his or their place of residence. Such notice shall be served by a person of full age, who shall make an affidavit of service in every case, stating the time, place and manner of the service, the name and residence of the person making the service, the interest of the party served in the premises, and his knowledge as to the identity of the person served, and such affidavit shall be filed in the office of the registrar of arrears within one month after the date of service, and shall be prima facie evidence in all courts and places of the facts stated therein; provided, however, that if any estate in any of said lands shall be held by any heir or devisee of a decedent whose estate appears of record in the County of Kings, or if any mortgage or lease shall be held by the executor or administrator of any decedent whose mortgage or lease appears of record in the County of Kings, such heir, devisee, executor or administrator shall be entitled to redeem and to have notice as aforesaid. When any person entitled to redeem or to have notice under this section or his name, or part of his name, or his place of residence remains unknown to the purchaser or his assigns, after diligent inquiry, or where such person, being a resident of this State, is and has been six months continually absent from the State, or avoids service, so that personal service cannot be made, an order for the service of such notice by publication may be made by a judge of any court of record residing in the County of Kings, upon a petition of said purchaser or his assigns, and upon proof satisfactory to the judge, by affidavit or otherwise, that proper and diligent effort has been made to serve such notice upon such person, and that he, his name or part of his name, or his place of residence cannot be ascertained, or if he is within the State that he avoids service so that personal service cannot be made, or being a resident of the State that he had

been continuously absent therefrom for six months next before granting the order. Such order must direct that service of said notice be made by the publication thereof in two newspapers, designated in the order as most likely to give notice to the person intended to be notified by such description or designation, if his name be unknown, as the judge shall direct, for a specified time, which the judge deems reasonable, not less than once a week for four successive weeks, and by leaving a copy of such notice at the place of residence of such person, where his place of residence is within the State, and known to the purchaser or his assigns. A certified copy of such order and a copy of such notice with proof of the publication thereof in pursuance of such order, by affidavits made by some one of the publishers of the respective newspapers designated in said order, or by some person in employ of such publishers having cognizance of such publication, and proof by affidavit of the service by leaving a copy of such notice at the residence of the party to be served, as required by the order, shall be filed in the office of the registrar of arrears, and shall thereupon become public records, and shall be prima facie evidence in all courts and places of the due service of such notice upon the person or persons specified in such order: and upon filing said affidavits such service shall be deemed complete and shall have the same effect as personal service of such notice.

Ch. 368, Laws of 1889.

§ 6. All moneys paid to the registrar of arrears upon sales in pursuance of any of the provisions of this title, shall be deposited by him with the treasurer of the City of Brooklyn, and the surplus, if any, remaining in any case after deducting the amount of the tax, assessment and lien and interest and expenses of sale, and any costs and disbursements allowed by any judgment under which said sale shall have been made, shall be held for the use of, and paid over to, the person legally entitled, upon his establishing his rights thereto; provided, however, that interest thereon shall not be recoverable or demandable from the City of Brooklyn except so far as interest may have been actually received by, or be payable to, said city upon any investment or deposit of said principal

sum, or any part thereof. Any person redeeming any lands from a sale under the provisions of this title, shall, at the request of the person so redeeming, be allowed and credited, by the registrar of arrears, toward such redemption, with the amount of surplus moneys received on such sale then remaining in the hands of the treasurer, and upon his presenting to the said registrar a certificate from the comptroller showing the amount of such surplus, such amount shall be applied upon or toward such redemption.

§ 7. Whenever such registrar shall receive satisfactory information that the land so sold belongs to an idiot or insane person, for whose estate no committee shall have been appointed, or to an infant having no guardian, he shall not execute a conveyance of their land until at least one month after he shall have legal evidence that such disability has been removed, or a committee or guardian of the estate has been appointed. And until the expiration of said month, such committee or guardian may redeem such land in the same manner as hereinbefore provided.

§ 8. No assignment of any certificate given on the sale of lands under the provisions of this title shall become operative or have any effect until the same shall have been presented to the registrar of arrears and a memorandum thereof entered on the record of such sales, and a minute of such entry indorsed on such assignment, and every such assignment shall have priority according to the date such entry and minute are made and indorsed.

§ 9. In case of any omission by the collector of taxes and assessments to make returns of unpaid taxes and assessments, and of the registrar of water rates to make returns of unpaid water rates to the registrar of arrears as required by this act, it shall be the duty of said registrar, within ten days after the expiration of the time prescribed before which such return is to be made, to notify said collector or registrar of water rates of such omission, who shall thereupon forthwith cause any such return so omitted to be rendered.

§ 10. It shall be the duty of the registrar of arrears immediately after the confirmation of the assessed valuation of

property as stated in yearly assessment roll for taxes, including the assessment roll for the year immediately preceding the current year, to cause to be entered therein in the column headed " notices " the words " arrears " or " sold " according as the fact may be, opposite to the ward numbers of lots on which any arrears of taxes or water rates shall be due, or on which any assessment shall remain unpaid, which taxes, water rates and assessments have been due, or which were confirmed twelve months prior to the first day of August then last past, or which may have been sold for assessments, taxes or water rates and yet be redeemable.

Chap. 368; Laws of 1889.

§ 11. All returns of unpaid taxes and water rates made to the registrar of arrears, pursuant to the provisions of any title of this act, shall be posted by him without delay against the proper lots in the ledger of arrears in his department, and as such taxes and water rates are paid the payments shall be noted in said ledgers. All items of water rates so returned to the registrar of arrears and entered in said ledgers may be collected in the same manner and as arrears of taxes.

§ 12. The registrar of arrears, upon the requisition of any person, shall furnish a bill of any arrears of assessments, taxes and water rates so transmitted or returned to him; also of the amounts necessary to redeem any lot or lots sold for the like dues thereon, if it, or they, be yet redeemable, which shall be called a " bill of arrears of assessments, taxes and water rates, and for redemption ; " and upon payment of the amount his receipt thereon shall be conclusive evidence of such payment, and forever free the said lot or lots from all liens therein specified.

§ 13. The registrar of arrears shall keep regular books of account and make monthly returns to the comptroller of all amounts of assessments, taxes and water rates received by him for collection ; also of all payments made by him to the city treasurer. He shall also make a daily return to the comptroller of all moneys and checks received by him, except for fees for searches, as hereinafter provided ; such books and

returns to be kept and rendered in such form and manner as shall be prescribed or approved by the comptroller. All moneys and checks so collected by said registrar shall by him be paid over to the city treasurer on the day of their collection, and a receipt of said treasurer therefor shall be filed in the office of the comptroller. In case of neglect or failure by said registrar of arrears for twenty-four hours to make any payment to the city treasurer, as required by this act, the comptroller shall notify the mayor thereof, who shall thereupon suspend him from office and proceed against him as hereinbefore provided in case of nonfeasance or malfeasance in office.

§ 14. There shall be kept in the office of said registrar of arrears a record of all sales made for taxes and assessments, which shall show the amount of each tax and assessment and the aggregate amount of the taxes and assessments, with interest, default, cost and expenses, and the sum for which each parcel shall have been sold, a description of the premises sold by the ward, block and lot numbers, the name of the person to whom sold, the date of each assignment thereof, with the name of the assignee and the time of the delivery of a deed therefor.

§ 15. It shall be the duty of the registrar of arrears to procure, preserve and register in his office affidavits of the publication of all the notices by this act, or other laws required to be published in relation to the sale of lands and tenements for unpaid assessments, taxes and water rates, and such affidavits shall be presumptive proof of such publication in all courts in this State. The registrar of arrears, or one of his subordinate officers, shall conduct all sales hereafter to be made for unpaid assessments, taxes and water rates, and no auctioneers' fees shall be charged thereon. Certificates of sale shall be made and delivered to the purchaser at the public sales for unpaid assessments, taxes and water rates without charge therefor.

§ 16. Upon the application of any holder of a certificate of sale, or lease of lands sold for unpaid assessments, taxes and water rates, for the payment to him or her of the moneys received by the collector of taxes and assessments, the depart-

ment of city works, or the registrar of arrears; for the redemption of the lands specified in said certificate or lease, it shall be the duty of the registrar of arrears to examine the case, and if found to be correct he shall, upon the surrender of such certificate or lease, prepare and sign a check on the treasurer in favor of the person to whom such certificate or lease was issued, or to his or her assigns, for the amount received in said case, and after procuring the counter-signature of the comptroller thereon, he shall deliver such check to the said applicant, taking a receipt for the same. All such cancelled certificates of sale and leases shall be duly filed and preserved in the department of arrears.

§ 17. Whenever any person shall make application in writing to the registrar of arrears for an official search for any certificate of liens upon any lot or parcel of land in said city for unpaid assessments, taxes and water rates, or sales thereof for assessments, taxes and water rates, the same to be accompanied by a map of such property or other distinct descriptions thereof, it shall be the duty of said registrar upon the payment of his lawful fees, as herein provided, to cause such search to be made and within ten days to furnish a certificate, to be signed by the clerk who made such search, and countersigned by said registrar of arrears; which shall state all such liens, if any, existing upon such lot or parcel of property or that there are no such liens thereon. The fees for such searches and certificates shall be two dollars for each parcel of land and shall belong to said registrar of arrears, who shall, out of his own means, compensate the clerks employed by him in making and preparing the same, and he shall, together with the sureties upon his official bond, be responsible to all persons requiring such searches to be made and certificates thereof to be furnished them.

§ 18. To provide the money required to pay for the parcels purchased by the city under this title and the expenses of serving notices of sale and the payment of taxes, water rates and assessments on the premises so purchased, the comptroller is hereby authorized and directed to issue, from time to time, as may be necessary, certificates of indebtedness, which shall be called "tax certificates" and shall bear inter-

est not exceeding five per centum per annum, and to be payable at the office of the comptroller at some date not longer than three years. They shall be signed by the comptroller and mayor and countersigned by the city clerk, under the seal of the city. If the amounts paid for redemption of parcels purchased by the city shall be insufficient at any time to meet tax certificates falling due or interest on same, other tax certificates shall be issued to meet such deficiency.

Chap. 33, Laws of 1892.

§ 19. On or before the first day of July in each year the registrar of arrears shall furnish to the comptroller a statement of all items of taxes on personal property which he may have been unable to collect; also all items of taxes on lands imperfectly described, with an affidavit of like tenor as is required to be made by the collector of taxes and assessments in section thirteen, title seven, of this act, and, if the statement should be found correct, the comptroller shall credit the account of such registrar with the amount and charge the same to the account of deficiencies of taxes in the several wards and shall cause such amount to be inserted in the next annual tax levy following.

§ 20. In case any land offered for sale by reason of the non-payment of an assessment for any local improvement is not sold as provided by law, after and for the period of two years from the time it was first offered for sale, for any term of years whatever, the registrar of arrears shall be and he is hereby authorized to assign and convey the lien which the said city has by virtue of the said assessment upon several pieces or parcels of lands to any person who will pay to the said city the amount of said assessment, with all interest, defaults or other charges thereon, whether for advertisement or otherwise; but no such assignment or conveyance shall be made until six months after the passage of this act. And it shall be the duty of the registrar to give persons having prior title to such property, by tax or assessment sale, preference in taking such assignment in such manner, that those holding under such sale shall be preferred to all persons claiming under an earlier tax or assessment.

§ 21. Every assessment for local improvement heretofor assessed and levied, or hereafter to be assessed and levied by said city, or the competent authorities thereof, upon any lands or premises therein situated for any local improvement, is hereby declared to be and made a lien on such land and premises, superior to and prior in right and effect to all former assessments for taxes or water rates laid thereon, and prior to all other charges thereon, whether by judgment, mortgage or otherwise, and such liens shall not be deemed to be proceedings against the person of the owner, or other person interested in the premises, but shall be held to be proceedings against the land and premises only, and it shall not be necessary to state the name of the owner, or other person interested in the land so assessed.

§ 22. All such assessments shall be presumed to be valid and legal in form and effect, and the record of the confirmation of any such assessment by the board of assessors, or other competent authority (upon which is devolved the duty of apportioning, or, in the first instance, laying such assessment), together with a proper record of the action of the common council in laying such assessment and in issuing a warrant for the collection of the same, shall be full and ample proof in all courts and before all tribunals of any such assessment and of the validity thereof.

§ 23. The conveyance and assignment of such lien to be given as hereinbefore authorized shall state and recite the amount of such lien (which amount shall include the interest, defaults and charges thereon), the date when said premises were first offered for sale, and shall recite the fact of the confirmation and levying of the assessments, and issuing the warrant for the collection of the same, with all convenient certainty, and shall describe, with reasonable particularity, be metes and bounds, the lands and premises so conveyed. Such conveyance shall be termed and designated "conveyance of assessment lien," and shall be prima facie evidence of the facts therein recited, but no defects in the form or substance of the recitals or statements therein contained shall be deemed to invalidate the title of such liens so

conveyed, but such defects shall only affect such conveyance so far as its recitals are hereby made evidence.

§ 24. All such liens may be foreclosed by action, in the same manner and with the like effect as mortgages are now provided by law to be foreclosed, and not otherwise, and all provisions of law relative to the foreclosure of mortgages and the effect thereon shall apply to such foreclosures, but no fees for a referee or sheriff on the sale of the lands or premises affected shall, in any case, exceed twenty-five dollars, and the costs and disbursements chargeable in any such action shall not in any case exceed the amount of such lien and shall not be a charge against the person, but only a charge against the property affected; but in case such action is defended by any of the defendants, judgments for costs of the proceedings made by such defense may be given against the defendants so defending, and no others, as are now provided by law. In case the premises affected by the assessment lien consists of more than one lot upon the assessors' map of said city, or in case such property is so situated that a part thereof can be sold separately, the decree to be entered shall provide that it be sold in lots by the assessment map, or in parcels, not exceeding twenty-five hundred feet in superficial area, as the same may be divided most advantageously, but no more of such lots or parcels shall be sold in any case than sufficient to satisfy such decree.

§ 25. No sale shall be made under a decree in any such action in less than six months after the entry and filing of the decree, and prior to such sale, the owner, or any other person having an estate in or lien in such premises (other than by tax or assessment sale) may redeem such premises; but in case personal service shall not be made on any owner or person having a freehold estate in such premises, or any person having a mortgage of record on such premises, the time to redeem of such owners or persons having a freehold estate or mortgage shall be one year after the entry of the decree, and in such case sale shall not be made under such decree in less time than one year after the entry of such decree.

§ 26. Such redemption may be made by tendering and paying the amount of such lien and interest thereon at the rate

of fifteen per cent. per annum, and all costs and charges in such action incurred, and for the purposes of such redemption any party may have such costs taxed at any time, and prior to judgment, upon giving notice, as now provided by law, for the taxation of costs.

§ 27. Prior to judgments in such actions, all parties interested in the premises, by tax, assessment or other title, may apply to and be subrogated to the rights of the plaintiff, as now by law provided in actions to foreclose mortgages, and in all motions or proceedings made in such actions to be allowed to be subrogated to the rights of the plaintiff, all tax and assessment sales and leases and certificates thereon shall be held and be deemed to be valid, and the title or estate thereby conveyed, good and perfect, as thereby stated or recited.

§ 28. The summons in every action and in every copy thereof which may be delivered or served, shall have a written or printed copy of the last four preceding sections of this title, written or printed thereon, stating that the same are extracts from this law, together with a notice that such lien may be redeemed at a place in the County of Kings, to be therein named (at which place a redemption or offer to redeem shall be valid and effectual), but such place may be changed within said county by order of the court, duly entered and filed in such action.

§ 29. No such foreclosure shall, however, have the effect to cut off, or in any way render invalid any assessment or tax on which sale has not been made, nor to invalidate any tax sale held by the city, but all such prior sales may be redeemed by the purchaser under any such foreclosure at any time.

§ 30. Whenever any such foreclosure and sale shall be made, the city shall be deemed to be and shall be relieved forever from any claim or demand, for or on account of its agreement to return any sum received on any former sale, by reason of the former title being defective, but the title of such former purchaser shall be cut off, unless such purchaser shall defend and succeed in such action, or shall be subrogated to the rights of the plaintiff as herein provided: and

while any such action shall be pending, the right to the return of such sums paid on prior sales shall be suspended.

§ 31. In case such lien should be assigned and conveyed, as hereinbefore provided, after the property affected has been duly exposed for sale, but prior to the expiration of the period of two years, such lien may not be foreclosed until such two years shall be fully expired, and the title conveyed by such conveyance shall not be otherwise affected by such irregularity. Such "conveyance of assessment lien" may be redeemed at all times prior to the commencement of an action to foreclose the same, or at any time when no such action shall be pending or judgment in force, by paying the amount thereof and all interest thereon, as by law provided, at the rate of fifteen per cent. per annum.

§ 32. No assignment of such "conveyance of assessment lien" shall be valid unless a record of such assignment is made in the office of the registrar of arrears in the same manner as records of assignments of certificates of sale for taxes or assessments are required to be made.

§ 33. No action to foreclose such a lien shall be deemed to be commenced, nor shall judgment be given therein, unless a notice of the commencement thereof shall be filed in the office of the registrar of arrears; but this section shall not be deemed to render unnecessary the filing of a notice of the commencement of the action in the office of the county clerk of the County of Kings.

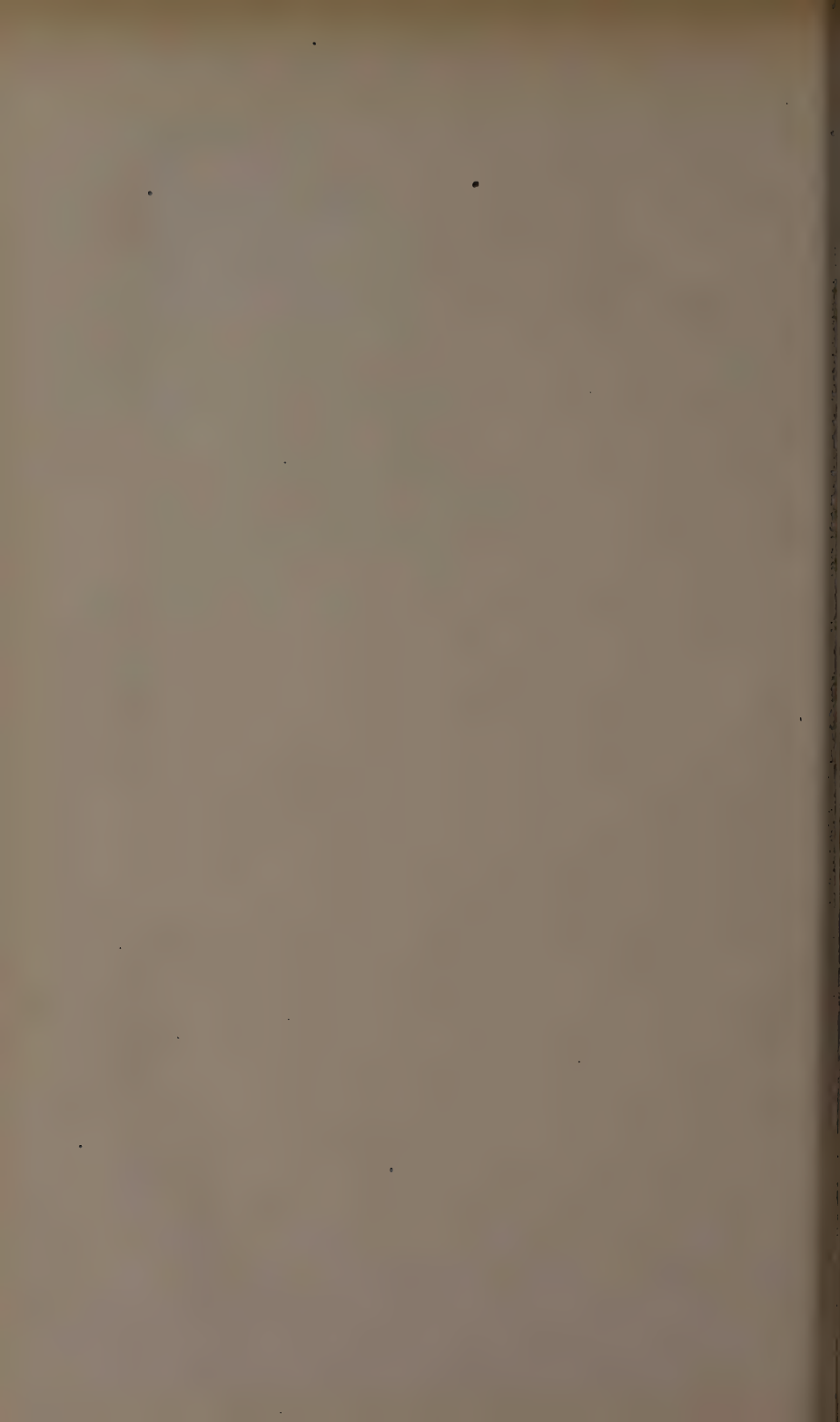
TITLE IX.

DEPARTMENT OF LAW.

SECTION 1. The head of the department of law shall be the attorney and counsel of the corporation. He shall be appointed by the mayor, as hereinbefore provided. His term of office shall be for two years and shall commence on the first day of February next succeeding his appointment. He shall have the management, charge and control of all the law business of the corporation and the departments thereof and all the law business in which the city shall be interested, except as hereinafter otherwise provided; draw all leases, deeds or other legal papers for the city, and shall be the legal adviser of the mayor and common council and the several departments of the corporation. He shall have the charge, management and control of, and shall conduct all proceedings necessary in opening, widening, altering or closing streets, avenues, parks, roads or lanes and all other local improvements of the same kind, and shall make all searches and abstracts of title required in opening, widening or extending any street, avenue or square, and in extending the water works and sewers and in all other acquisitions of lands for the public purposes of the city; and he shall have the power and authority, with the consent of the common council, from time to time during his continuance in office, to authorize an attorney or other person to appear for him, in his name, for and on behalf of the said corporation and conduct and defend suits and proceedings in all courts and places. He shall receive an annual salary of eight thousand dollars in full for all services rendered and performed by him for the corporation, including fees arising or which may accrue on any proceedings for any local improvements or otherwise, all which fees, and all fines and penalties by him received, shall be paid over monthly, under oath, to the treasurer and an account thereof rendered to the comptroller.

§ 2. No deed of cession of any street or parts of streets, avenues, lanes, roads or parks shall be accepted by the said common council until the title to the parties ceding the lands on the same shall have been examined and ascertained by the said attorney and counsellor and until he shall report to the common council such fact in writing, the fees and expenses thereof to be paid by the parties executing the deed of cession, which said fees and expenses shall be paid into the treasury for the use of the city.

§ 3. It shall be the duty of the attorney and counsel to commence all actions for fines, damages and penalties for the violation of any provisions of this act or of any of the ordinances of the City of Brooklyn. All moneys collected or received by him in any such action he shall, on the same day that he receives them, pay over to the treasurer.



TITLE X.

DEPARTMENT OF ASSESSMENT.

SECTION 1. There shall be a department of assessment to consist of a president and twelve assessors, who shall constitute the board of assessors of the City of Brooklyn. The term of office of the president shall be for two years and shall commence on the first day of February next succeeding his appointment. He shall receive an annual salary of four thousand dollars. The twelve assessors hereinbefore authorized to be appointed shall be appointed by the mayor, and their term of office shall be for five years, to commence on the first day of September next succeeding their appointment, save as in this section otherwise provided. And in order to constitute a board of twelve assessors, as herein provided for, the mayor of the City of Brooklyn, immediately after the passage of this act, shall appoint two suitable persons to be assessors of said city in addition to the ten assessors holding office at the time of the passage of this act, which two said assessors shall take office immediately upon their appointment and qualification. The term of office of the said two additional assessors shall expire on the first day of September, eighteen hundred and ninety-seven, and their successors shall be appointed and shall hold office for the same term as the successors of the other assessors in the City of Brooklyn. The term of office of the two assessors appointed for the term commencing September first, eighteen hundred and eighty-seven is hereby made to expire on the first day of September, eighteen hundred and ninety-two. Each of the said assessors shall receive an annual salary of three thousand dollars.

Chap. 179, Laws of 1892.

See Chap. 68, Laws of 1892.

By Chap. 356, Laws of 1894, the appointment of an additional assessor was authorized.

By Chap. 449, Laws of 1894, the appointment of additional assessors was authorized.

By Chap. 451, Laws of 1894, the appointment of two additional assessors was authorized, but total number must not exceed fourteen.

§ 2. The president shall be the head of the said department; he shall preside at all meetings of the board, and in his absence the assessors may appoint a president pro tempore.

§ 3. The said assessors shall make out the assessment lists and rolls for local improvements and taxes, and perform such other duties as may be required of them under the direction of the president. Said board of assessors shall have power, and it shall be their duty, to make all assessments for taxes and local improvements (except for sewers) in the City of Brooklyn in the manner by this act or other laws provided, and all provisions of law now applicable to the assessors of Brooklyn, or towns in this State, in relation to assessments for taxes in said city, are hereby declared to apply to the assessors to be appointed under this act. The ward maps made, or to be made, shall continue to be in the custody of said board of assessors, and all assessments shall refer to said maps, except in cases where they do not exist; and where a portion of any lot of land laid down on said maps shall be taken for any improvement, the residue shall be deemed liable to be assessed for such improvement: and land occupied by a person other than the reputed owner may be assessed in the name of the occupant.

§ 4. In all assessments of lands and tenements hereafter to be made, whether for benefits from local improvements or the opening, widening and extending of streets, avenues, squares, parks and places, also for water rates, in addition to the known street numbers, if there be any, the same ward or block numbers shall be used to designate the lots as are or may be used to designate them in assessments for taxes, and no other numbers shall be necessary, except where no ward or block numbers exist. In case ward maps do not exist for any ward or wards, or portions thereof, the common council, shall as soon as they shall deem it advisable, cause the same to be made. In every assessment for a local improvement, there shall be added two per cent. for assessors' fees for the benefit of the city.

§ 5. There shall be ruled in the yearly assessment rolls for taxes in each ward six additional columns, which shall be headed respectively as follows: "amounts received," "cash-

book," "volume, folio," "reductions and cancellations," "notices," "arrears," "assessments due." These columns shall be used in the manner and for the purposes specified in this act.

Ch. 368, Laws of 1889.

§ 6. There shall be included in every assessment for local improvements, hereafter made and confirmed, such amount as may be necessary to reimburse to the city the interest upon all advances made in executing such improvements; such interest always to be computed to dates three months subsequent to the times of confirmation of such assessments respectively, and the amounts so included in assessments for interest, as well as the amounts collected for interest on assessments, shall be appropriated and applied to the payment of interest on the city bonds issued, on account of the improvements, for which such assessments were levied, and it shall be the duty of the board of assessors, within three months after the amount of an assessment shall have been determined, to apportion the same upon the property benefitted, and to return the list thereof to the common council for confirmation.

§ 7. In determining value of personal property to be assessed for taxes, the assessors shall have the power to examine, upon oath, every person whom they shall believe ought to be assessed for such property, and shall also have power to examine, under oath, such other persons, as witnesses, in relation thereto, as they may deem proper, and for that purpose may administer oaths and issue process to compel the attendance of witnesses before them. Any person who shall refuse to make, under oath, a full disclosure of all the facts necessary to enable the assessors to make a fair and just assessment of his or her personal property, when duly called upon by the assessors to do so, or to answer such questions as may be put to him or her in relation thereto, shall be assessed a gross sum, which in their judgment will be to the full amount of his personal estate, and shall forfeit for one year all the rights and privileges given by this act, or by the laws for the assessment and collection of taxes to persons aggrieved by erroneous or excessive assessments. It shall be

the duty of the board of assessors to cause circular notices to be sent through the post office, or otherwise, to all persons and corporations assessed by them for personal property, stating therein the amount assessed, also the time during which and the place where applications may be made for the correction of such assessments, if the same be erroneous. All such notices shall have printed on them the provisions of this act relating to assessments of personal property.

§ 8. They shall make up and complete by the first day of June in each year their valuations of taxable property in the several wards, as estimated and assessed by them, and the assessed valuations of real and personal estate so made shall be entered in detail in books kept by said board called "annual record of the assessed valuations of real and personal estate," which books shall be kept open for examination and correction until the first day of July, when they shall be closed. During the time said books shall be open said assessors shall give due notice thereof, as required by law, and during that time application may be made by any person aggrieved by the assessed valuation of his or her real or personal estate to have the same corrected. In case such application be made in relation to the valuation of real estate, it must be in writing, stating the ground of objection thereto. If in relation to personal property, the applicant shall be examined upon oath.

§ 9. It shall be the duty of the said assessors to attend during such examination and review, and to make corrections in the descriptions of property and in the assessed valuations thereof, if in their judgment the same are erroneous. The said assessors shall cause to be prepared from the said "books of annual record," after the same shall have been duly corrected, assessment rolls or tax books for each ward of said city respectively, which shall be duly sworn to by at least two of the assessors, according to oath provided by law in regard to assessment rolls in the different towns of this State; and further, to the effect that they have together personally examined, within the year past, each and every lot or parcel of land, house, building or other accessible property, and such assessment rolls or tax book shall, on or before the first day

of August, be delivered to the board of supervisors of Kings County, which board shall proceed thereon in the manner required by law for the laying and collection of taxes. No tax levied and confirmed, or attempted to be levied and confirmed, upon the various lots, pieces and parcels of land in the several wards, except the twenty-sixth ward, in the City of Brooklyn, since the year eighteen hundred and sixty-one, shall be held or declared to be invalid by reason of the failure or omission of the assessors of said city, or of two of them to swear to the corrected assessment rolls or books of each or of any of the wards of said city, or to write or indorse upon said rolls an affidavit for the several years since the year aforesaid, or for any of such years, to the effect that they have together personally examined within the past year each and every lot or parcel of land, house, building or other accessible property within the ward: or to the effect that they have together personally examined within the year past each and every lot or parcel of land, house, building or other accessible property. The taxes so far as the same remain unpaid which were levied and confirmed, or attempted to be levied and confirmed, by the supervisors of the County of Kings upon the various lots, pieces and parcels of land in the several wards of the City of Brooklyn for each and every year since the year eighteen hundred and sixty-one, as the same appear and were carried out on the several assessment rolls or books of said several wards for each and every of said years, are hereby in all respects and for all purposes made and declared good and valid and effectual in law; and the acts of the said supervisors, in each of said years, in apportioning, levying and confirming the taxes upon the various lots pieces and parcels of land designated upon said rolls or books, and in issuing and delivering warrants for the collection of such taxes, are hereby ratified and confirmed and made valid and effectual, and the said taxes remaining unpaid, shall be payable with interest at the rate of nine per cent. per annum from the date of such original confirmation, except as otherwise provided in section three of title eight of this act.

§ 10. The board of assessors shall have power to rectify any errors committed in the laying of any tax or assessment,

as well for general purposes as for any local improvement, only in the following cases :

1. When the error is entirely clerical.
2. When there is a mistake in the name of the party taxed or assessed.
3. When the quantity of the real estate or nature of the buildings and improvements thereon shall be erroneously given.
4. When the personal estate shall be over estimated and the party assessed shall have been prevented from inspecting the assessment rolls, by sickness or absence from the city, during the said time the same were open for examination and correction.
5. When property has been assessed that was by law exempt from tax at the time the assessment was laid. Such power shall be exercised only upon satisfactory proof of error, but no correction shall be valid until it shall have been certified to by the comptroller and the collector of taxes and assessments and duly entered, in red ink, in the assessment list or lists in the department of collection.

§ 11. If a sum of money in gross has been or shall be taxed for general purposes or assessed for any city improvement upon any lands or premises, any person or persons claiming to be interested in any divided or undivided part thereof may pay such part of the said sum, also of the interest and charges due or charged thereon, as the board of assessors may deem and certify to be just and equitable, and the remainder of the sum of money so taxed or assessed, together with the interest and charges, shall be a lien upon the residue of the lands and premises only, which may be sold according to law to satisfy the residue of such assessment, tax, interest and charges in the same manner as though the residue of said assessment and tax has been imposed upon the residue of said lands or premises. It shall be the duty of the said board of assessors to make any such apportionment upon application by any person interested, accompanied by a diagram of the property, showing the true limits and extent of the interest of such applicant, and all such apportionments shall be recorded in the office of said

board and also noted in red ink on the assessment rolls or assessment registers in the department of collection or in the department of arrears.

§ 12. Any person who shall, by reason of any mistake by himself or his agent, pay a tax or assessment for water rates or for benefit upon real estate belonging to another person or persons shall have a right of action to recover in any court having jurisdiction from the party owning the real estate at the time of levying such tax or assessment the sum which he shall have paid erroneously as aforesaid, with interest thereon, but he shall have no claim upon or recourse to the city for such erroneous payment.

§ 13. In case any claim shall be presented for refunding a duplicate payment for an assessment, tax or water rate, accompanied by a receipt of any proper officer of the city therefor, such claim shall be referred to and be examined by the officer receiving such payment, and, if the same shall be found valid and just, said officer shall prepare and certify a proper account therefor, to which shall be attached the receipt for such payment, and, upon being also examined and certified by the auditor and approved by the comptroller, it shall be the duty of the latter to cause a warrant upon the treasurer, to be executed in favor of and delivered to such complainant, for the amount thereof, upon his giving a proper receipt for the same. All duplicate payments so refunded shall be charged by the comptroller and the treasurer to the account which received credit for the amount when collected and deposited. In case any claim shall be presented for refunding the whole or any part of any tax or assessment which has been paid, and is claimed to be erroneous by reason of such error as is named in section ten of this title, the board of assessors shall examine, and, if they find that any such error has been made, shall certify the same and the amount thereof to the officer who received such payment, and subsequent proceeding shall be taken thereupon the same as are hereinbefore provided for claims on account of duplicate payments.

§ 14. In cases where any piece or parcel of land shall be sold for any assessment or tax thereon, and there shall be

separate interests, divided or undivided, at time of levying such tax or assessment, and the same shall be made to appear to the satisfaction of the board of assessors, by affidavit, they may apportion the amount for which said land shall have been sold, between the several interests, and the provisions of law applicable to the redemption of lands from sales for assessments and taxes and water rates shall apply to the several interests and amounts apportioned ; all such apportionments shall be recorded in the office of said board, and also noted in red ink in the proper book kept by the registrar of arrears.

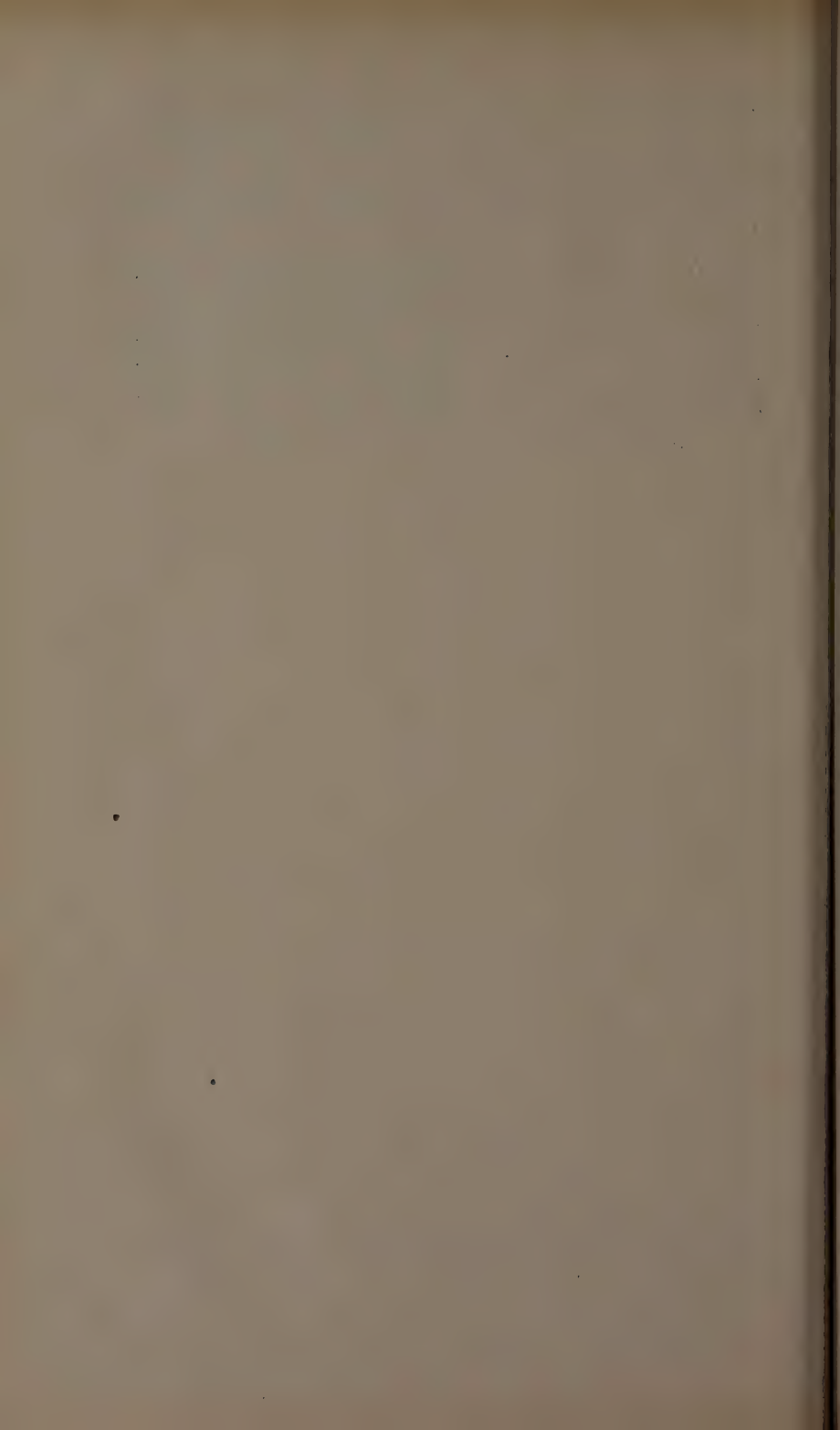
§ 15. Whenever the attorney and counsel of the city shall be of opinion that any proceeding or assessments for local improvements are invalid and void by reason of irregularity in the conducting or laying the same, he shall forthwith report such opinion, and the reasons therefor, to the common council, and the common council shall enter an order in their minutes of proceedings declaring such assessments invalid and void, and the said assessments shall thereupon be held and deemed to be invalid and void, and the said common council are hereby authorized and empowered to cause the amount of such assessments to be re-assessed, and to have new proceedings taken and re-assessments made, in the same manner as the original proceedings and assessments should have been made, and such new proceedings and re-assessment shall have the same effect as the original proceedings and assessments would have had, had they been properly taken and made.

§ 16. The common council, in case any such unpaid assessments shall be rejected for want of jurisdiction in making the improvements, shall cause the expense of the proceedings, and all damages consequent thereon, to be paid to the parties who shall be entitled thereto, out of the revenue fund. Whenever any moneys shall have been paid for an assessment, and a re-assessment shall be made the amount shall be credited on such re-assessment to the property on which the assessment was made ; and in case of any alteration on the re-assessment, whereby the amount so paid shall exceed the amount re-assessed on the same property, such surplus shall be paid to the person who shall have paid the same ; and in

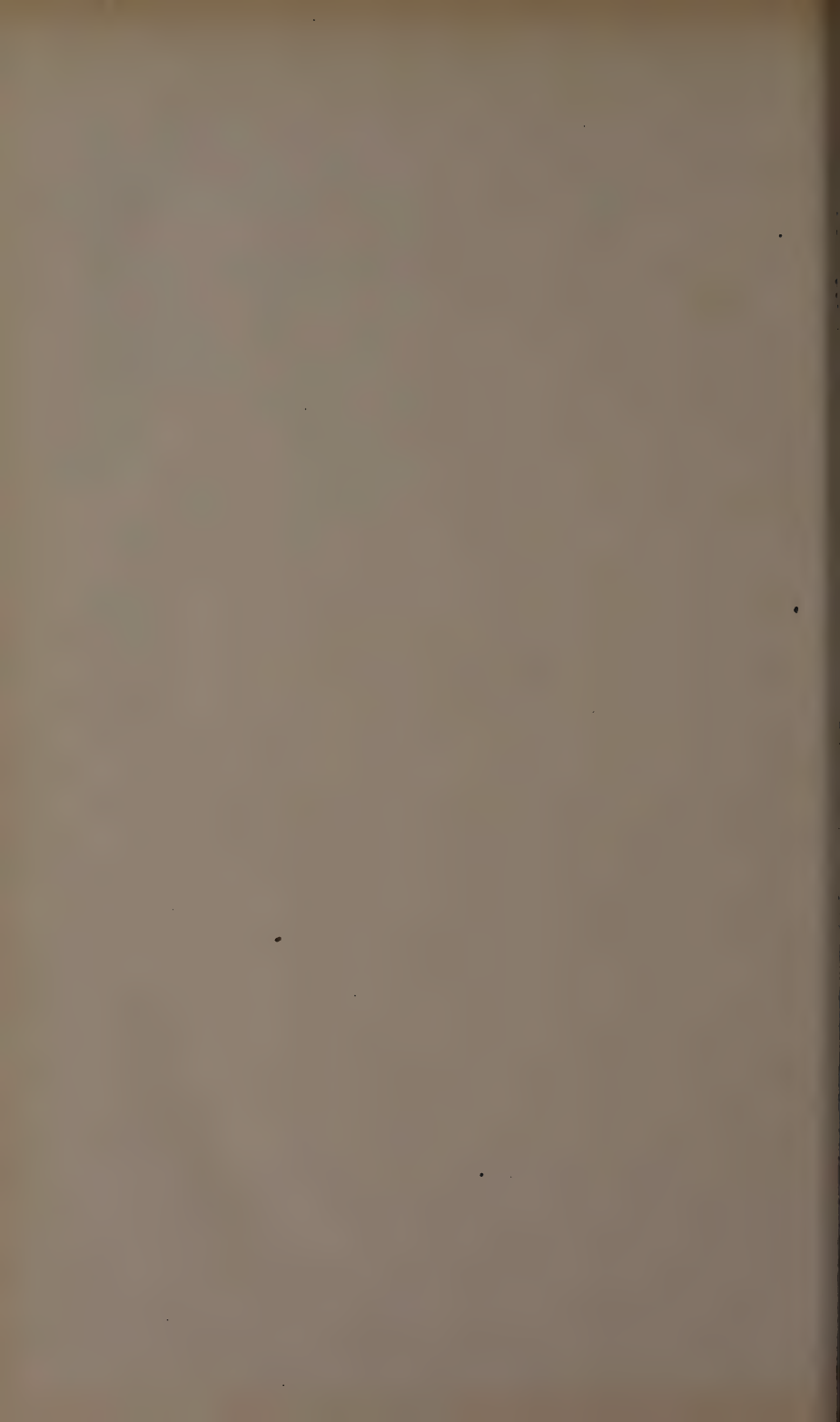
case it shall be insufficient to pay the amount re-assessed, the deficiency shall be collected in the same manner as other assessments.

§ 17. Whenever the boundaries of any of the wards of the City of Brooklyn shall have been altered by the board of aldermen of said city in pursuance of law, the board of assessors may provide new maps for the wards so altered, and the money required for such purpose, if no other fund be applicable, shall be taken from the revenue fund of said city.

Ch. 671, Laws of 1893.







TITLE XI.

DEPARTMENT OF POLICE AND EXCISE.

SECTION 1. The head of the department of police and excise shall be the commissioner of police and excise, who shall have sole and exclusive control and management as head of said department of all matters of police as hereinafter provided. He shall be appointed by the mayor as hereinbefore provided. His term of office shall be for two years, to commence on the first day of February next succeeding his appointment. He shall receive an annual salary of five thousand dollars.

§ 2. There shall be two commissioners of excise who shall be appointed by the mayor as hereinbefore provided. Their term of office shall be for two years, to commence on the first day of February next succeeding their appointment. They shall each receive an annual salary of two thousand five hundred dollars. The said two commissioners of excise shall act in all matters relating to excise with the commissioner of police and excise, and in respect to all matters of excise, but not of police, shall each possess the same power as the said commissioner of police and excise, who, nevertheless, shall be president of the commissioners of excise and the head thereof.

See Ch. 271, Laws of 1893. as to salaries of commissioners of excise.

§ 3. The said department shall have the management and control of all matters relating to the police and excise, subject, however, to the ordinances of the common council and the laws of the State.

§ 4. The police force shall consist of a superintendent, one clerk or secretary to said superintendent, inspectors, captains, sergeants, detective sergeants, roundsmen, patrolmen, bridgekeepers, doormen, the telegraph superintendent, telegraph operators and linemen. The commissioner of police and excise shall have power, subject to the approval of the mayor, to appoint as many inspectors, sergeants, detective sergeants, roundsmen, bridgekeepers and telegraph operators as he shall deem expedient, and the bridgekeepers shall receive the same

salary as patrolmen, shall be governed by the same rules as to promotion as now relate to patrolmen and shall possess the same rights and privileges as other members of the force. The number of patrolmen shall not exceed the number authorized by law, unless the common council of the City of Brooklyn shall by resolution, upon the application of the commissioners of police and excise, authorize a greater number, in which case they shall not exceed the number fixed in such resolution, and such resolution may be passed by the common council from time to time as that body may deem expedient. And in case of an addition to the number or compensation of the police force or department, the comptroller of the City of Brooklyn shall issue certificates, bearing interest, for any sum not already raised for payment of the force or department accordingly, and a sum sufficient for the payment of the certificates so issued shall be inserted in the succeeding tax levy of the City of Brooklyn, and upon the collection thereof said certificates shall be paid. The commissioner of police and excise shall appoint all members of the police force, clerks and employes and shall fill all vacancies in the police force or police department as often as they occur. The telegraph superintendent, telegraph operators and telegraph linemen, except that they shall not be liable to patrol duty, shall be subject to all rules of the department and possess the same rights and privileges as other members of the force. Whenever, by the death, resignation or dismissal of any person attached to the said telegraph bureau, any position shall become vacant in said bureau, the commissioner of police and excise shall fill the same by appointing thereto one of the members of the uniformed police.

Chap. 695, Laws of 1893.

See Ch. 158, Laws of 1889.

Ch. 317, Laws of 1893.

§ 5. The grade of the members of the police force who are patrolmen shall be as follows: All such members who shall have served three years or upwards on said force as patrolmen shall be members of the first grade; all such members who have served on such force for less than three years and more than one year shall be members of the second grade, and all

other members who are patrolmen on said force shall be members of the third grade, and all persons appointed patrolmen shall, on their appointment, become members of the third grade. Whenever any member of the third grade shall have done service therein for one year he shall be advanced to the second grade, and whenever any member of the second grade shall have done service therein for one year he shall be advanced to the first grade. The annual pay or compensation of the members of the police force shall be fixed by a majority of all the members of the board of estimate of the City of Brooklyn, and shall not be less than the salaries now paid to said patrolmen and doormen, nor greater than the following, namely: for patrolmen of the first grade, at a rate not to exceed twelve hundred dollars per annum each; for patrolmen of the second grade, at a rate not to exceed eleven hundred dollars per annum each; for patrolmen of the third grade, at a rate not to exceed one thousand dollars per annum each; for members of the police force who are doormen, at a rate not to exceed nine hundred dollars per annum each. The pay or compensation aforesaid shall be paid monthly to each person entitled thereto, subject to such deductions each month from the salary, compensation and pay of members of the force as are or shall be authorized by law.

§ 6. The commissioner of police and excise of the City of Brooklyn is hereby authorized, by and with the consent and approval of a majority of the board of estimate of said city and County of Kings, to fix the salary of the superintendent of police of said city at an amount not less than four thousand nor more than five thousand dollars per annum, and fix the salaries of the inspectors of police of said city at an amount not less than two thousand five hundred nor more than three thousand five hundred dollars per annum, and fix the salaries of the captains of police of said city at an amount not less than two thousand dollars nor more than two thousand seven hundred and fifty dollars per annum, also to fix the salaries of sergeants of police of said city at an amount not less than fifteen hundred dollars nor more than two thousand dollars per annum, also to fix the salaries of all detectives attached to the police department of said city at an amount not less than

fifteen hundred dollars per annum, and said detectives shall be known under and by the name of detective sergeants, and shall rank the same as all other sergeants of police and after five years continuous service as such shall be eligible for promotion in the entire police force of said city under the same rules and conditions applicable to the promotion of all other sergeants of police in said city : also to fix the salaries of the roundsmen of said city at an amount not less than eleven hundred dollars nor more than twelve hundred dollars per annum.

Chap. 225, Laws of 1892.

See Chap. 525, Laws of 1889.

§ 7. The said commissioner of police and excise shall divide said city into precincts, not exceeding one precinct to each of the thirty-six of the patrolmen authorized to be appointed. The said commissioner may also establish sub-precincts and assign thereto such sergeants, doormen, roundsmen, detective sergeants and patrolmen as he may deem sufficient, and shall appoint a telegraph superintendent, telegraph operators and one assistant telegraph operator. He shall appoint as many captains of police as there may be precincts and assign one* captain and sergeants, roundsmen, patrolmen, detective sergeants and doormen to each precinct. He shall also appoint a counsel and fix his compensation, which shall not exceed twenty-five hundred dollars, and appoint as many mounted sergeants as he shall deem expedient : he shall also appoint, not to exceed five surgeons, who, except that they shall not be liable to patrol duty, shall be subject to all the rules of the department and possess the same rights and privileges as other members of the force. But all appointments hereafter made of patrolmen shall be made for a probationary period of six months. At the expiration of such probationary period the commissioners shall appoint to a permanent position all persons whom, during such probationary period, he shall ascertain to be competent to fill the position of patrolmen.

Ch. 695, Laws of 1893.

See Ch. 451, Laws 1892

Ch. 246, Laws 1893.

§ 8. The commissioner of police and excise shall detail a suitable patrolmen* to the docks, wharves and piers situated

* So in original.

between Division avenue, extending in a straight line to the East river, and the United States navy yard, and to the waters situated easterly of a straight line drawn from the shore line of said avenue to the shore line at said navy yard; and shall also detail a suitable patrolmen* to the docks, wharves and piers extending from the north end of Gowanus canal, between Baltic and Douglass streets, and along both sides of said canal in a southerly line to the mouth of said Gowanus canal at Gowanus bay, and said patrolmen, so detailed in the absence of the harbor master of the district, shall be vested with and have all the powers that are vested in the harbor masters of the port of New York, in an act to provide for the appointment of a captain of the port of New York, and harbor masters of the port of New York, and defining and regulating the powers and duties and compensation of said officers, passed May fourth, eighteen hundred and eighty-three, and being chapter three hundred and fifty-seven of the laws of eighteen hundred and eighty-three. But the powers, duties and jurisdiction vested in such patrolmen, shall apply only to the docks, wharves and piers situated within the above-described boundaries or district, and only in the absence of the harbor master of the district, when they shall be exercised by the patrolmen* exclusively, and by no other person.

§ 9. The commissioner of police and excise shall have power to make such rules, regulations and orders for the government of the police force as he may deem proper. He shall promulgate all regulations and orders to the force through the superintendent, who shall have the direction and control of said force, subject to the rules, regulations and orders of the said commissioner; but in times of peril, danger, riot or disorder, or apprehension thereof, the said commissioner shall be subordinate to the mayor and obey his orders and directions for the time being, anything in this act contained to the contrary notwithstanding.

§ 10. The members of the police force and the different officers named shall respectively receive the following rate of compensation per year for their services; the superintendent, four thousand dollars; each inspector, two thousand five hundred dollars; each captain of police, two thousand dollars;

* So in original.

each sergeant, one thousand five hundred dollars; each detective attached to the police department of said city, fifteen hundred dollars; each roundsman, one thousand one hundred dollars; each patrolman, one thousand dollars; each police surgeon, one thousand two hundred and fifty dollars; each doorman, eight hundred dollars, and all patrolmen shall receive during their first year of service seven hundred and fifty dollars, and thereafter an increase of fifty dollars per annum, until the salary of each shall amount to one thousand dollars per annum.

Ch. 525, Laws of 1889.

§ 11. No member of the department of police and excise shall, for his own benefit, share in any present, fee, gift or emolument for police services, additional to his regular salary or compensation.

§ 12. The commissioner of police and excise, for meritorious and extraordinary services rendered by any member of the police force in the due discharge of his duty, may permit any member of the police force to retain, for his own benefit, any reward or present tendered him therefor, and it shall be cause of removal from the police for any member thereof to receive any such reward or present without notice thereof to the said commissioner. Upon receiving said notice the said commissioner may either order the said member to retain the same, or shall dispose of it for the benefit of the police pension fund.

§ 13. The expenses of the department shall be paid in the same manner as those of other departments. Each member of the police force in such department shall hold office during his good behavior and shall be liable to removal therefrom only after written charges shall have been preferred against him, according to the rules and regulations of the department, and the same shall have been publicly heard and examined, as prescribed in section two, title three, of this act, and after notice thereof by the said department, in the manner to be prescribed by said rules and regulations, except that any member of the police force who shall, after qualifying for office, accept any additional place of public trust or

civil emolument, or who shall, during his term of office, be publicly nominated for any office elective by the people, and shall not within ten days succeeding the same publicly decline the said nomination, shall be deemed thereby to have vacated his office. No person shall be appointed a member of the police force who has ever been convicted of felony or who is not a citizen of the United States or who cannot understandingly read and write the English language or who shall not have resided within the State one year next preceding his appointment.

Ch. 280, Laws of 1889.

§ 14. No member of the said police force, under penalty of forfeiting the salary or pay which may be due to him, shall withdraw or resign, except by permission of the commissioner. Unexplained absence without leave of any member of the said police for five days shall, at the option of said commissioner, be deemed and held to be a resignation by such member and accepted as such.

§ 15. The commissioner of police and excise shall have power, in his discretion, on conviction of a member of the force, for any criminal offense, or neglect of duty, or violation of rules, or neglect or disobedience of orders, or incapacity, or absence without leave, or any conduct injurious to the public peace or welfare, or immoral conduct or conduct unbecoming an officer, or other breach of discipline, to punish the offending party by reprimand, forfeiture and withholding pay for a specified time, or dismissal from the force. In case of punishment by forfeiture and withholding pay, no more than thirty days' pay shall be forfeited and withheld for any offense. A writ of certiorari to review a determination by the commissioner of police and excise or the commissioner of the fire department of the City of Brooklyn, to remove a person employed on the police or fire department forces of said city, for cause, must be granted and served within thirty days after notice to him of such removal.

Ch. 673, Laws of 1893.

See Ch. 467, Laws of 1887.

§ 16. The mayor of the City of Brooklyn, is hereby re-invested with the powers conferred upon the mayors of cities,

by article four, title five, chapter ten, part first of the revised statutes, in respect to requiring the services of the military in aid of the civil authorities, to quell riots, suppress insurrections, protect property and preserve public tranquility, and the said commissioner shall not exercise said power within such city.

§ 17. The said commissioner of police and excise, whenever expedient, shall, on the application of any corporation or person or persons showing the necessity thereof, detail regular patrolmen of the police force, or appoint and swear any additional number of special patrolmen of the police force, to do special duty at any place within the said city, upon the corporation, person or persons, by whom the application shall be made, paying for the use of the city, not exceeding the same rate per diem of service on such detail of special duty as is paid to regular members of the force: but the patrolmen so additionally and specially appointed shall be subject to the orders of the superintendent, and shall obey the rules and regulations of the said department, and conform to its general discipline and to such special regulations as may be made, and shall wear such dress or emblems as the said commissioner may direct, and shall, during the term of their holding appointment, possess all the powers, privileges and discharge all duties of the Brooklyn police force applicable to patrolmen. The person so appointed may be removed at any time by the said commissioner without assigning any cause therefor, upon notice to the person or persons who applied for the appointment as aforesaid.

§ 18. The said commissioner may also, upon any emergency or apprehension of riot, tumult, mob, insurrection, pestilence or invasion, appoint as many special patrolmen from among the citizens as it may seem desirable, who may be paid the same rate per diem as is paid to regular members of the force: and during the service of any special patrolmen, authorized as aforesaid, they shall possess all the powers, privileges and perform all the duties that may be by orders, rules and regulations of said department from time to time prescribed. Every such special patrolman shall wear a badge to be prescribed and furnished by the said commissioner.

§ 19. All criminal process issuing out of any court, or from any justice or judge in the City of Brooklyn, shall be served by member of the police force and not otherwise: and it shall be a misdemeanor for any person not being a regular member of the police, established of any city in this State, or a member of the Brooklyn police force, or a constable of this State, or a police constable, or assistant police constable or a sheriff, or one of the usual general deputies of any sheriff of this State, to serve any criminal process within the City of Brooklyn.

§ 20. The members of the said police force shall furthermore possess in every part of this State all the common-law and statutory powers of constable, except for the service of civil process, and any warrant of search or arrest issued by any magistrate of this State may be executed in any part thereof by any member of the said police force, and all the provisions of section seven, eight and nine of chapter two, title two, part four of the revised statutes, in relation to the giving and taking of bail, shall apply to any arrest made as aforesaid.

§ 21. The said commissioner shall detail so many patrolmen as shall, in his judgment, be necessary to attend all courts transacting criminal business in this city.

§ 22. The said commissioner shall have power to issue subpoenas to compel the attendance of witnesses upon any proceedings authorized by the rules and regulations of the department. The commissioner of police and excise, the superintendent, the inspectors and the chief clerk and deputy clerk of the department are hereby authorized and empowered to administer affirmations and oaths to any person summoned and appearing in any matter or proceeding authorized as aforesaid, or to take any depositions necessary to be made under the orders, rules and regulations of the department or for the purposes of this act. Any wilful and corrupt false swearing by any witness or person to any material fact in any proceeding under the said orders, rules and regulations, or under these provisions, shall be deemed perjury and punished in the manner now prescribed by law for such offense.

§ 23. Upon the presentation of satisfactory proof of due service of such subpoena, and a failure to obey the same, or of a refusal by any person appearing before said commissioner to take oath or affirmation or to answer any proper question, it shall be the duty of any justice of the supreme court or judge of the city court of Brooklyn to whom the same shall be presented to issue an order returnable at an early day requiring the person so failing or refusing to show cause why an attachment should not issue against him, and to adopt other and further measures to compel the witness to appear and testify, and to punish disobedience, as if the matter were legally pending in said courts.

§ 24. The said commissioner shall have power to erect, operate and maintain, under the general laws of the State relating to telegraphs, all such lines of telegraph between such places in the City of Brooklyn as shall be required for the purposes and business of the department. Said commissioner shall be furnished with all such instruments, fixtures, property and materials, upon his requisition, as the common council shall determine, and the messenger to the superintendent of police at his present salary shall rank as a member of the uniform force of said department and shall be entitled to all privileges and immunities thereof. The common council shall also furnish to the department, on the requisition of said commissioner, a suitable vessel to carry such force as may be required to protect the shores of the city. In addition to such crews as he may deem necessary for said vessel, the said commissioner shall have power to detail not to exceed three patrolmen as pilots upon said vessel, and said patrolmen so detailed as pilots shall, during the time they shall be so detailed, have the grade and receive the compensation of sergeants of the police force of said city. No patrolman shall be so detailed until he shall have passed such examination as to his qualifications for the position of pilot of said vessel as the commissioner shall direct. Each of said patrolmen shall during such times as he shall be so detailed be in full charge and command of said vessel, subject, however, to the rules and regulations of the department. The said patrolmen so detailed shall hold said grade and compen-

sation at the pleasure of the commissioner. And the police department may make arrests on the waters adjoining the city for any crime committed along the shores, or in or upon any pier, wharf, bulkhead or basin, or upon any vessel attached to or anchored within the same. All the courts of criminal jurisdiction in the City of Brooklyn shall have jurisdiction to hold and punish all persons so arrested.

Ch. 109, Laws of 1893.

§ 25. It is hereby made the duty of the said police force, at all times of day and night, within said City of Brooklyn, and the members of such force are hereby thereunto empowered to especially preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, mobs and insurrections, disperse unlawful and dangerous assemblages and assemblages which obstruct the free passage of public streets, sidewalks, parks and places, protect the right of persons and property, guard the public health, preserve order at elections and all public meetings and assemblages, prevent and regulate the movement of teams and vehicles in streets, remove all nuisances in the public streets, parks and highways, arrest all street mendicants and beggars, provide proper police attendance at fires, assist, advise and protect emigrants, strangers and travellers in public streets, at steamboat and ship landings, and at railroad stations, carefully observe and inspect all places of public amusements, all places of business having excise or other licenses to carry on business, all houses of ill-fame or prostitution, and houses where common prostitutes resort or reside, all lottery offices, policy shops and places where lottery tickets or lottery policies are sold or offered for sale, all gambling houses, cock pits, rat pits and public common dance houses, and to repress and restrain all unlawful or disorderly conduct or practices therein, enforce and prevent the violation of all laws and ordinances in force in said city; and for these purposes, with or without warrant, to arrest all persons guilty of violating any law or ordinance for the suppression or punishment of crime and offences.

§ 26. The superintendent, inspector and each captain of police, within his precinct, shall possess powers of general police supervision and inspection over all pawnbrokers,

venders, junk shop keepers, junk boatmen, cartmen and dealers in second-hand merchandise : intelligence office keepers and auctioneers within said police district, and in the exercise of and in the furtherance of said supervision may, from time to time, empower members of the police force to fulfill such special duties in the aforesaid premises as may be, from time to time, ordered by the commissioner of police and excise. The superintendent, inspectors and each captain, within his precinct, may, by authority in writing, empower any member of the police force, whenever such member shall be in search of property feloniously obtained or in search of suspected offenders or evidence to convict any person charged with crime, to examine the books of any pawnbroker or his business premises, or the business premises of any vendor or junk shop keeper or dealer in second-hand merchandise or intelligence office keeper or auctioneer or boat of any junk boatman. Any such member of the police, when thereto authorized in writing, as aforesaid, shall be authorized to examine property alleged to be pawned, pledged, deposited, lost or stolen, in whosoever possession said property may be, but no such property shall be taken from the possessor thereof without due process or authority of law. Any wilful interference with the said superintendent, with any inspector or captain of police or with any member of the police while in official discharge of duty shall be punished as a misdemeanor.

§ 27. If any member of said force, or if any two or more householders shall report in writing, under his or their signature, to the superintendent of police that there are good grounds (and stating the same) for believing that any house, room or premises within the said police district is kept or used as a common gaming house, common gaming room or common gaming premises for therein playing for wagers of money at any game of chance, or to be kept for lewd or obscene purposes and amusement, or the deposit or sale of lottery tickets or lottery policies, it shall be lawful for the superintendent of police to authorize in writing any member or members of the police force to enter the same, who may forthwith arrest all persons there found offending against

law, but none others, and seize all implements of gaming or lottery tickets or lottery policies, and convey any person so arrested before a magistrate and bring the articles so seized to the office of the said department. It shall be the duty of the said superintendent of police to cause such arrested persons to be prosecuted and such articles seized to be destroyed, as the orders, rules and regulations of the department shall direct.

§ 28. The several members of the police force shall have power and authority to arrest without warrant and to take into custody any person who shall commit, or threaten or attempt to commit, in the presence of such member or within his view, any breach of the peace or offense directly prohibited by an act of the legislature or by any ordinance of the City of Brooklyn : but such member of the police force shall, under the penalty of ten days' fine or dismissal from the force, in the discretion of the commissioner of the police and excise, immediately upon such arrest, convey such offender before a magistrate of the City of Brooklyn, to be dealt with according to law. If the arrest is made during the hours the magistrate does not regularly hold court, or if the magistrate is not holding court, such offender shall be detained in a station house until the next public sitting of the magistrate, and no longer, and shall then be conveyed without delay before the magistrate, to be dealt with according to law.

§ 29. It shall be a misdemeanor, punishable by imprisonment in the Kings County penitentiary for not less than one year and not exceeding two years, or by a fine of not less than two hundred and fifty dollars, for any person without justifiable or excusable cause, to use or incite any other person to use personal violence upon any elector on any election day in the City of Brooklyn, or upon any member of the police force thereof when in the discharge of his duty, or for any member of the police force to wilfully neglect making any arrest for an offense against the law of this State, or ordinance in force in the said city, or for any person not a member of the police force to falsely represent himself as being such a member, with a fraudulent design upon persons or property, or upon any day or time to have, use, wear

or display, without authority, any shield, buttons, wreaths, numbers or other insignia or emblem, such as are worn by the said police.

§ 30. Any person arrested by the police may be taken before a magistrate on Sunday, at the usual place of holding his court, for the purpose of being bailed in proper cases until the next public sitting of such magistrate, then to be taken before him to be dealt with according to law.

§ 31. In every case of arrest by any member of the said police force, the same shall be made known immediately to his superior upon duty in the precinct wherein the arrest was made by the person making the same; and it shall be the duty of the said superior, within twenty-four hours after such notice, to make written returns thereof, according to the rules and regulations of the said department, with the name of the party arrested, the alleged offense, the time and place of arrest and the place of detention.

§ 32. No person holding office under this title shall be liable to military or jury duty, or to arrest on civil process, nor to service of subpoena from civil courts while actually on duty.

§ 33. The superintendent of police shall make to the commissioner of police and excise quarterly reports in writing of the state of the said police force of the City of Brooklyn, with such statistics and suggestions as he may deem advisable to submit, for the improvement of the police government and discipline of the said force.

§ 34. The said commissioner shall cause to be kept books of record of the police force, of persons arrested for offences, of complaints against policemen, and the judgment of the commissioner thereupon, of time lost by patrolmen, of accounts of moneys received and expended, and for what purpose expended, of proceedings of the department, of suspected persons and places, and of the property placed in his charge and of telegraph offices, and all such other books and records in and for the department, and in and for the several station houses, as shall be required by the business of the department.

§ 35. Every member of the police force shall have issued to him by the said commissioner a proper warrant of appoint-

ment, signed by the said commissioner and by the chief clerk or first deputy, which warrant shall contain the date of his appointment and his rank.

§ 36. The common council shall make suitable provisions respecting security to be entered into by the commissioner and officers and employes of said department, for the faithful performance of their respective duties. Each member of the police force and employes of the department shall take an oath of office and subscribe the same before an officer of said police who is empowered to administer an oath.

§ 37. It shall be the duty of said commissioner to detail on each day of election within the City of Brooklyn, at least two patrolmen to each election poll.

§ 38. The said commissioner shall take charge of and distribute all ballot boxes for use at general, special and charter elections, and retain the custody of said boxes, except during the taking, receiving and counting the votes.

§ 39. It shall not be lawful for any person or persons to erect, maintain, occupy or have any booth, box or structure, for the distribution of ballots at any election, within one hundred and fifty feet of any polling place, and it shall be the duty of the police force, or any members thereof, to prevent any booth or box or structure for the distribution of tickets at any election from being erected or maintained within one hundred and fifty feet of any polling place within the city aforesaid, and to summarily remove any such booth, box or structure, or close and prevent the use thereof.

§ 40. The duties of the police surgeons and the extent and bounds of their districts shall be assigned, from time to time, by the orders, rules and regulations of the department.

§ 41. The commissioner of police and excise of the City of Brooklyn, and the commissioners of the sinking fund of said city, are hereby constituted a board of trustees of the police pension fund created by this act. They shall organize as such board by choosing one of their number to be chairman and by appointing a secretary. The treasurer of the board of police and excise shall be treasurer of the board of trustees. Such board of trustees shall have charge of and

administer said fund, and from time to time invest the same or any part thereof as they shall deem most beneficial to said fund, and are empowered to make all necessary contracts and take all necessary and proper actions and proceedings in the premises, and to make payments from said fund of pensions granted in pursuance of this act, and also pensions now charged on said fund by or under existing laws, and said board of trustees shall be the legal successors of the trustee or trustees of the police life insurance fund. The said trustees shall, from time to time, establish such rules and regulations for the administration of the police pension fund as they may deem best. They shall report in detail to the common council of the City of Brooklyn, annually, in the month of January, the condition of the police pension fund, and the items of their receipts and disbursements on account of the same. No payments whatever shall be allowed or made by said trustees as reward, gratuity or compensation to any person for salary or services rendered to or for said board of trustees. The police pension fund and all moneys, securities, revenues and income thereof, in whose hands soever the same may be, shall be paid over and delivered on demand to the trustees of said fund hereby constituted, and shall consist of :

1. The capital, income, interest, dividends, cash deposits, securities and credits now belonging to said police life insurance fund, with the addition thereto from time to time of—
2. Twenty per centum of all moneys paid into the treasury of excise for licenses or fines ;
3. All fines imposed by the commissioner of police and excise upon the members of the police force : and
4. All rewards, gifts, fees, testimonials and emoluments that may be presented, paid or given to any member of the police force for account of police service, except such as shall be allowed by the commissioner of police and excise to be retained by said members ; and
5. All lost or stolen moneys remaining in the hands of the property clerk for the space of one year, and for which there shall be no lawful claimant, and moneys arising from the sale by said property clerk of unclaimed property ; and

6. A sum of money equal to fifty cents per month for each member of the police force and attache of the police department, to be paid monthly by the comptroller of the City of Brooklyn to the treasurer of the board of trustees of the police pension fund from moneys deducted from the pay of members and attaches of said force on account of lost time:

7. The sum of three dollars per day, or for any portion of a day, for each member of the police force or attache of the police department whose service may be required by any corporation, association, person or persons whatsoever for the performance of any police duty (except in criminal cases) outside of the City of Brooklyn, which sum in each and every case shall be paid to the treasurer of the board of trustees of the police pension fund for the benefit of said fund. The board of estimate in the City of Brooklyn is hereby authorized and directed from time to time, by resolution of said board, to appropriate to the police pension fund from the excise moneys derived by the commissioners of excise from licenses for the sale of intoxicating liquors twenty per centum of the moneys so derived, and the comptroller of said city shall draw his warrant therefor in favor of the trustees of the said police pension fund, and the treasurer of said city shall pay such warrants out of the said moneys received for said licenses :

8. A sum of money equal to, but not greater than one per centum of the monthly pay, salary or compensation of each member of the police force shall be deducted monthly by the comptroller of the City of Brooklyn from the pay, salary or compensation of each and every member of the police force, and the said comptroller is hereby authorized, empowered and directed to deduct the said sum of money as aforesaid and forthwith to pay the same to the treasurer of the police pension fund ; provided, however, that any attache of the said police department who, at the time of the passage of this act, shall have served seven years and upwards upon the said police force shall be entitled to the benefits of the provisions of this act upon the payment by him of a sum of money equal to one per centum of the monthly pay, salary or compensation of the said attache, as hereinbefore provided for in the case

of members of the police force. All the moneys derived from sources mentioned in this section shall be paid over, to the officers and persons having the collection or custody of the same, to the trustees of the said police pension fund and shall belong to and be invested as portions of said fund :

9. Fifty per centum of all the moneys paid to the city clerk for or on account of dog licenses. And no part of the moneys, securities, revenues or incomes of the police pension fund as now constituted by law shall hereafter be diverted from the purposes for which said fund was created and collected.

See Sec. 9, Ch. 338, Laws of 1893.

§ 42. The commissioner of police and excise shall have power to grant pensions, as hereinafter provided, to any member of the police force or attache of the police department, to be paid from the police pension fund by the board of trustees thereof, as follows :

1. To the widow of any member of the police force or attache of the police department who shall have been killed while in the actual performance of police duty, or shall have died from the effects of any injury received whilst in the actual discharge of such duty, or who has died or shall hereafter die, after ten years of service in the police department in the City of Brooklyn, provided such death shall not have been caused by misconduct on his part, a sum not to exceed three hundred dollars per annum.

2. To any child or children under eighteen years of age of such member of the police force or attache killed or dying as aforesaid, but leaving no widow, or if a widow, then after her death to such child or children being yet under eighteen years of age, such pension as the department of police and excise shall from time to time award and order, not to exceed the sum of three hundred dollars per annum.

3. To any such member of the police force or attache of said police department who, whilst in the actual performance of police duty and by reason of the performance of such duty, and without fault or misconduct on his part, shall have become perfectly disabled, physically or mentally so as to be

unfitted to perform full police duty, a sum not to exceed three hundred dollars per annum.

4. To any such member of the police force or attache of the said police department who shall, after ten years' membership, become superannuated by age or rendered incapable of performing full police duty by reason of disability or disease contracted without misconduct on his part, a sum not to exceed three hundred dollars per annum.

5. To any such member of the police force or attache of said police department who shall, after fifteen years' of membership, become superannuated by age or rendered incapable of performing full police duty by reason of disability or disease contracted without misconduct on his part, a sum not to exceed four hundred dollars per annum.

6. Any such member of the police force or attache of said police department who has or shall have performed police duty for a period of twenty years or upwards, shall, upon his own application in writing, be retired from service and placed upon the police pension roll, and thereupon shall be awarded, granted and paid from said police pension fund by the trustees thereof an annual sum during his lifetime equal to one-half the full pay of a member of said police force of the rank of the member so retired, provided, that in the case of any attache of said police department, he shall have served for not less than seven years as a member of ce force of said department to entitle him to the benefit of the provisions of this section.

7. In every case mentioned in subdivisions three, four and five of this section the said commissioner of police and excise shall determine the circumstances thereof in his discretion and may order the retirement from service and the payment of the pensions mentioned in this title, but only after the certificates and recommendations of the surgeons in writing shall be on file, as required by the provisions of section forty-one of this title, under such rules and regulations as he may prescribe, but all payments on account of said police pension fund shall be made quarterly by check or draft upon the trustees of said fund, signed as said trustees may direct.

8. Pensions to widows shall terminate when the widow shall remarry, and pensions to children shall terminate when-

ever the children shall respectively arrive at the age of eighteen years. The commissioner of police and excise may, in his discretion, order any pensions granted or any part thereof to cease, except to members of the police force and attaches retired after twenty years' service, as provided in this section, but in all such cases the said commissioner shall file with the trustees of the police pension fund a written statement of the causes which determined him in ordering any pension so to cease, and nothing herein contained shall render the granting or payment of such pensions obligatory on the said commissioner or upon the trustees of the said fund or chargeable as a matter of right upon the said fund, except as provided in subdivision six of this section.

§ 43. In determining the term of service of any member of the police force or attache of the police department, service in the former metropolitan police department and subsequently in the police department of the City of Brooklyn shall be counted and held to be police service in the police department of the City of Brooklyn. No member of the police force or attache of the police department shall be awarded, granted or paid a pension on account of physical or mental disability, or disease, unless upon the certificate and recommendation of the board of surgeons of the department of police and excise, which shall set forth in detail the cause, nature and extent of the disability, disease or injury of each member of the police force, or attache of the police department who may be placed upon the pension roll and said certificate shall distinctly state whether or not such disability, disease or injury was incurred or sustained by said member of the police force, or attache, in the performance of police duty and without misconduct on his part, and such certificate shall in each case be filed with and entered upon the minutes of the trustees of the police pension fund.

§ 44. All property or money alleged or supposed to have been feloniously obtained, or which shall be lost or abandoned, and which shall be thereafter taken into custody of any member of the police force, or which shall come into the custody of any police justice, shall be by such member or justice given into the custody of and kept by the said commissioner ;

and all such property and money shall be particularly registered in a book kept for that purpose which shall contain, also a record of the names of the persons from whom such property or money was taken, the names of all claimants thereto, the time of the seizure and any final disposition of such property or money.

§ 45. Whenever property or money shall be taken from persons arrested and shall be alleged to have been feloniously obtained, or to be the proceeds of crime, and whenever so brought with such claimant and person arrested before some magistrate for adjudication, and the magistrate shall be then and there satisfied from evidence that the person arrested is innocent of the offense alleged, and that the property rightfully belongs to him, then said magistrate may thereupon, in writing, order such property or money to be returned, and the said commissioner shall deliver such property or money to the accused person himself, and not the attorney, agent or clerk of such accused person.

§ 46 If any claim to the ownership of such property or money shall be made on oath before the magistrate, by or in behalf of any other person than the person arrested, and the said accused person shall be held for trial or examination, such property or money, or so much thereof as may, in the judgment of the district attorney, be necessary, shall remain in the custody of the said commissioner until the discharge or conviction of the person accused.

§ 47. All property or money taken on suspicion of having been feloniously obtained, or being the proceeds of crime, and for which there is no other claimant than the person from whom such property was taken, and all lost property coming into possession of any member of said police force, and all property and money taken from pawnbrokers as the proceeds of crime, or by any such member from persons supposed to be insane, intoxicated or otherwise incapable of taking care of themselves, shall be transmitted as soon as practicable to the said commissioner, to be duly registered and advertised, for the benefit of all parties interested and for the information of the public, as to the amount and disposition of the property so taken into custody by the police.

§ 48. All of said property that shall be determined by the said commissioner to be perishable shall be sold at public auction, after having been advertised for three consecutive days in a corporation newspaper, and all of said property not determined by said commissioner to be perishable, shall be so advertised and sold after the same has remained in his custody for the period of six months without any lawful claimant thereto : and the proceeds of the sale of said perishable property, after the expiration of six months from the sale so remaining unclaimed, with the proceeds of the sale of said other property, immediately after its sale, together with any money remaining in his custody unclaimed for six months, shall be paid into the police pension fund.

§ 49. If any property or money placed in the custody of the said commissioner shall be desired as evidence in any police or other criminal court, such property shall be delivered to any officer who shall present an order to that effect from such court : such property, however, shall not be retained in said court, but shall be returned to said commissioner to be disposed of as hereinbefore provided.

§ 50. The said commissioner shall, at all times, cause the ordinances of the City of Brooklyn, not in conflict with the provisions herein contained, to be properly enforced ; and it shall be his duty at all times, whenever consistent with the rules and regulations of the department, and with the requirements of this act, to furnish all information desired.

§ 51. The said commissioner shall have authority to offer rewards to induce all classes of persons to give information which shall lead to the detection, arrest and conviction of persons guilty of homicide, arson or receiving stolen goods, knowing them to be stolen. Such reward shall be paid from the "reward fund," which fund shall be formed by investing from moneys deducted from the pay of members of the police force on account of lost time, at a rate not exceeding fifty cents per month for said members respectively, to which shall be added all sums subscribed or contributed by insurance companies and other citizens, and which shall be paid into the treasury and kept as a separate fund, to be called the "reward fund." The trustees of the police pension fund

shall be the trustees of said fund and shall invest and manage the same and have the same powers in relation thereto as are conferred on them by law in relation to the police pension fund.

§ 52. The owner, agent or lessee of a steam boiler or boilers or steam generator or generators in use in the City of Brooklyn or upon floats, lighters, barges, canal boats or other similar vessels attached to the docks, piers or wharves of the City of Brooklyn, shall annually, and at such time and in such manner and such form as may by rules and regulations be made therefor by the commissioner of police and excise of the City of Brooklyn, report to the said commissioner the locality of such steam boiler or boilers or steam generator or generators; where the owners of the steam boiler or boilers or steam generator or generators is a corporation having its main office in the City of Brooklyn and the steam boiler or boilers or steam generator or generators is or are in use upon a float, lighter, barge, canal boat or other similar vessel attached to the docks, piers or wharves of the City of Brooklyn, the said steam boiler or boilers or steam generator or generators shall be inspected under the direction of the commissioner of police and excise, as herein provided; where the managing owner or owners of the steam boiler or boilers or steam generator or generators in use as aforesaid is a person or persons other than a corporation residing in the City of Brooklyn, the said steam boiler or boilers or steam generator or generators, shall be inspected under the direction of the commissioner of police and excise as herein provided; upon receiving the report of the owner, agent or lessees as aforesaid the said commissioner shall forthwith as soon as practicable cause to be inspected such steam boiler or boilers or steam generator or generators, and all apparatus or appliances connected therewith, but no person shall perform such duties unless he be a practical engineer, and the strength and security of each boiler shall be tested by hydrostatic pressure, and the superintendent of steam boilers, or the inspectors, shall limit the pressure of steam to be applied to or upon such boiler or steam generator, certifying each inspection and such limit of pressure to the owner or owners

of the boiler or steam generator inspected, and also to the engineer in charge of the same: and no greater amount of steam or pressure than that certified in the case of any boiler or steam generator shall be applied thereto. In limiting the amount of pressure wherever the boiler or steam generator under test will bear the same, the limit desired by the owner agent or lessee of the boiler or steam generator shall be the one certified. Every owner, agent or lessee of a steam boiler or boilers in use in the City of Brooklyn shall, for the inspecting and testing of such boiler, or each of such boilers, as provided for in this act, and upon receiving from the superintendent of boilers a certificate setting forth the location of the boiler inspected, the date of such inspection, the persons by whom the inspection was made and the limit of steam or pressure which shall be applied to or upon such boiler or each of such boilers, pay annually to the commissioner of police and excise for each boiler or generator, for the use of the police pension fund, the sum of two dollars, such certificate to continue in force for one year from the granting thereof, when it shall expire, unless sooner revoked or suspended. Such certificate may be renewed upon the payment of a like sum, and on like conditions to be applied to a like purpose. A certificate issued under the provisions of this act shall exempt the boiler or steam generator described therein from any further inspection throughout the State until the expiration of said certificate. The provisions of this act shall not apply to any steam boiler or generator used for heating in public schools or private dwellings.

Ch. 350, Laws of 1894.

See Ch. 118, Laws of 1891.

§ 53. The said commissioners shall preserve, in proper form, a correct record of all inspection of steam boilers and of the amount of steam or pressure allowed in each case, and in cases where any steam boiler or the appliances or apparatus connected therewith shall be deemed by the commissioner, after inspection, to be insecure or dangerous, he shall prescribe such changes and alterations as may render such boilers, apparatus and appliances secure and devoid of danger. And in the meantime, and until such changes and

alterations are made and such appliances attached, such boiler, apparatus and appliances may be taken under the control of said commissioner and all persons prevented from using the same, and, in cases deemed necessary, the appliances, apparatus or attachments for the limitation of pressure may be taken under the control of the said commissioner, and no owner of any steam boiler or his agent shall act or employ any person as engineer without their having a certificate as to qualification from practical engineers, to be countersigned by the said commissioner.

§ 54. Any person applying, or causing to be applied, to any steam boiler a higher pressure of steam than that limited for the same, in accordance with the provisions of this act, shall be guilty of a misdemeanor, and whenever any owner of any steam boiler in the City of Brooklyn shall fail or omit to have the same reported for inspection, as provided for by this act, such boiler may be taken under the control of the said commissioner and all persons prevented from using the same until it can be satisfactorily tested, as herein provided for, and the owner shall, in such case, be charged with the expense of so testing it. For the purpose of carrying out the provisions of the last two sections, the said commissioner shall appoint a superintendent of steam boilers, who shall be a practical engineer, and who shall examine all applicants for certificates as engineers and shall superintend and direct the inspection of all steam boilers, steam generators and appurtenances, as provided for in this act, and the said commissioner shall also appoint not to exceed six boiler inspectors, who shall be skilled machinists. The said superintendent and inspectors shall possess the same rights and privileges as members of the police force.

Ch. 118, Laws of 1891.

Sections 55, 56, 57 and 58 repealed by Chapter 373, Laws of 1889.

§ 59. It shall be the duty of every member of said police force to arrest all persons found actually engaged in the commission of an offense in violation of the excise laws, and forthwith to carry such person before some magistrate, to be dealt with according to law; and if such offense be intoxication,

tion, and such magistrate shall, after due examination, deem the person brought before him too much intoxicated to be examined or to answer on oath correctly, he shall direct the member of the police force who made the arrest to keep said person in some jail, lock-up, or other safe and convenient place, until he shall become sober, and thereupon forthwith to bring him before said magistrate.

§ 60. The commissioners of excise shall have the powers and perform the duties which are now conferred upon boards of commissioners of excise in this State under the provisions of an act entitled: "An act regulating the sale of intoxicating liquors," passed April eleventh, eighteen hundred and seventy.

§ 61. The department shall, subject to the provision of of said act and to the ordinance of the common council, provide for the granting of licenses to sell intoxicating liquors, to persons to whom such licenses shall be given, the amount of the fee for license, in all cases, and the regulations under which the persons licensed may sell.

§ 62. The said department is hereby empowered to grant licenses in the manner and form as may be directed by the common council, or as in default thereof the said department may determine, and it shall be its duty to enforce the provisions of the excise laws and of any ordinance of the common council in respect to the matter, to report all violations thereof to the law department immediately, with the facts and evidence of such violation.

§ 63. The commissioner of police and excise is hereby authorized and empowered to make and establish suitable rules and regulations for all public buildings, theatres or other places of amusement that he may deem necessary for the protection of life. Any owner, lessee, manager, agent or other person in charge who shall violate or permit the violation of any rule or regulation established by said commissioner, as herein provided, shall be deemed guilty of a misdemeanor, and in addition thereto shall forfeit and pay a penalty of one hundred dollars, to be sued for and recovered by the city.

§ 64. The said commissioner of police shall appoint suitable persons as keepers of all bridges in the City of Brooklyn, who shall perform all the duties, and be subject to the regulations and ordinances of the common council. The said persons so appointed shall be under the direction and control of the commissioner of police and excise, and may be superseded at any time by the said commissioner.

§ 65. Whenever the commissioner of police and excise in the City of Brooklyn shall determine that any of the real or personal property of the department of police and excise is not required for its purposes, he shall file with the comptroller of the City of Brooklyn a list of such property, and within thirty days thereafter the same shall be disposed of as the common council may direct, and the proceeds thereof shall be paid into the treasury to the credit of said department, and may be drawn by the said commissioner as directed by the common council, for the purpose of purchasing other real or personal property for said department, as may be directed by said common council.

§ 66. Whenever the commissioner of police and excise shall be of opinion that any member of the police force deserves promotion on account of any gallant or meritorious deed in the discharge of his duty, the commissioner may recommend the said promotion, as he deems fit and proper, to the mayor, and he shall transmit with such recommendation a full written statement of the deed upon which such recommendation is based, together with the verified statement of at least two witnesses thereof, if there be such number, together with the complete record of the person recommended since his appointment in the department. It shall be the duty of the mayor to examine into such application and the statement submitted therewith, and if he be satisfied that the deed was one of exceptional gallantry and bravery, he may approve in writing the application of the commissioner, and may consent to the promotion recommended or to a promotion of lesser degree. And upon approval of the mayor, as aforesaid, the commissioner hereby is authorized and empowered forthwith to promote such member as such promotion may be approved by the mayor,

provided there be any vacancy, and if there be no vacancy then existing, it shall be the duty of the commissioner to write the name of such member upon a list, which shall be kept in the department, to be known as "the list of honor," together with the date of the approval of the mayor as aforesaid, and the promotion to which he is entitled; and whenever a vacancy occurs, which may be filled from such list, it shall first be filled from such list in order of seniority thereon, and said commissioner is hereby authorized and empowered to make such promotion. Such promotions as are hereby authorized shall be made irrespective of any other examination or qualification whatever and all laws and regulations inconsistent with the provisions of this section are hereby expressly repealed as far as they conflict with its provisions.

Ch. 580, Laws of 1893.

TITLE XII.

DEPARTMENT OF HEALTH.

SECTION 1. The head of the department of health shall be the health commissioner. He shall be appointed by the mayor as hereinbefore provided. His term of office shall be for two years, to commence on the first day of February next succeeding his appointment. The board of estimate of the City of Brooklyn and County of Kings shall have power to fix his salary at a sum not exceeding five thousand dollars per annum.

Ch. 307, Laws of 1890.

§ 2. Said health commissioner shall have power to act in a legislative capacity in regard to all matters pertaining to public health, the removal and burial of the dead, the maintenance and operating of an ambulance service for the speedy removal of sick and needy persons, the registration of births, marriages and deaths, and to the registration of vital statistics in the said city, and to make such rules and regulations and such appointments of officers and employes as he may deem necessary for the proper carrying out and enforcement of all laws, ordinances and codes that may be prescribed for the government of said department for the protection of the public health, and for the proper care and registration of such statistics.

§ 3. The said health commissioner is hereby authorized and directed to prepare such ordinances as he shall deem to be required for the protection of the public health, and for securing the proper registration of births, marriages, deaths, and such other statistical information necessary for the efficient working of the department, with penalties for their violation, which ordinances shall be by him submitted to the common council, and when approved by said common council shall have and possess the same power and effect as other ordinances of said city, and shall be carried out and executed by said health commissioner. No ordinance, so prepared and approved, shall be repealed or amended without the approval of the health commissioner.

§ 4. Said health commissioner shall have exclusive power to appoint a secretary, sanitary superintendent, register of records, and vital statistics inspector, and such other officers and employes as he may deem proper and necessary to the efficient, safe and economical discharge of the duties by this act devolved on him, and to fix their compensation: providing, however, that the whole expense of administering said department shall not exceed the sum appropriated therefor by the board of estimate, and all expenditures so incurred, for whatever purpose, shall be made and met in such manner as is provided for in other departments of the city government. It shall be the duty of the commissioner of police and excise to execute the orders of the health commissioner when so requested by him.

§ 5. In the presence of great and imminent peril to public health of the City of Brooklyn by reason of impending pestilence, it shall be the duty of said commissioner to take such measures and do and order and cause to be done such acts, and make such expenditures (beyond those duly estimated for as provided) for the preservation of the public health from such impending pestilence as he may, in good faith, declare the public safety and health to demand, and the mayor of said city, and the president of the medical society of Kings County, shall also in writing approve. And such peril shall not be deemed to exist except when and for such period of time as the mayor, president of the medical society and health commissioner shall by proclamation declare.

§ 6. The said health commissioner shall have full power to enforce and carry out all ordinances, rules or regulations for the preservation of the public health, and for the registration of vital statistics as are now or may be hereafter enacted by the common council of the City of Brooklyn, in the manner prescribed by this act, and to prohibit in said city any business or practice which said health commissioner shall declare to be dangerous or detrimental to the public health. But no established business or the rights to property of any person shall be interfered with or prohibited, until the offender or offenders therewith charged, shall have been duly summoned by notice of not less than five days, to appear before said

commissioner to show cause why such declaration or order of prohibition shall not be enforced against the said party or parties charged ; nor until they shall have an opportunity to be heard. And upon the rendition of the decision of the said commissioner, that said business or practice is detrimental to the public health, the said person or persons so charged shall have the right of appeal from such decision to the city court of Brooklyn, upon petition reciting the said charges and decisions, directed to the said city court of Brooklyn, a copy of which petition shall be duly served upon the said commissioner within five days from the rendition of his said decision. And the said city court shall proceed to a hearing and determination of such matter, which hearing shall be by trial of the issues embraced in the said petition, before said court, upon such day as the said court shall fix at its then existing or first term thereafter ; and the decision of said city court in said matter shall be final. But no such appeal shall be had or taken, until a bond, to be approved by the court, shall have been duly filed with the court, conditioned in the sum of five hundred dollars, that the said appellant will pay to the said commissioner, all costs which may be awarded against such appellant or appellants in case the decision rendered by the said commissioner and appealed from, shall be affirmed by final judgment.

§ 7. The department of city works in conjunction with the department of health shall have full and exclusive power to make contracts for the removal of all offal, dead animals, night soil, garbage or other refuse matter from the City of Brooklyn for a period not exceeding five years, and to require and receive bonds in such form and amount as the said departments jointly may approve, for the faithful performance by the person or persons to whom such contracts may by said departments in their discretion have been awarded, of all and every of the provisions of such contracts, and to cancel and revoke all contracts made by them, or which may be entered into under this section, as well as all existing contracts for the removal of the matters aforesaid, whenever the contractor shall refuse or neglect to perform any of the stipulations of such contract.

§ 8. All contracts shall be signed by the commissioners of the two departments, and no contract shall be made or terminated except by the concurrence of said officers. All contracts when so made shall be carried out and executed under the supervision and control of the commissioner of city works, but cognizance shall be always taken of any complaint of neglect of duty on the part of a contractor when made by the health commissioner, and the health commissioner may at any time convene a joint meeting of the two said officers whenever in his opinion any contract entered into is not being properly carried out or executed.

§ 9. Every master and journeyman plumber carrying on his trade in the City of Brooklyn, shall, under the rules and regulations prescribed by the said health commissioner, register his name and address at the said department of health, and it shall not be lawful for any person to carry on the trade of plumbing in said city unless his name and address be so registered. The drainage and plumbing of all buildings in said city, both public and private, shall be executed in accordance with plans previously approved in writing by said health commissioner. Suitable drawings and descriptions of the said plumbing and drainage shall in each case be submitted and placed on file in the department of health. The health commissioner is also authorized to receive and place on file drawings and descriptions of the plumbing and drainage of buildings heretofore erected. Any court of record in said city, or any judge or justice thereof, shall have power at any time after the service of notice of the violation of any of the provisions of this section, and upon the affidavit of the health commissioner, to restrain by injunction order, the further progress of any violation of the provisions of this section, or of any work upon or about the building or premises upon which the said violation exists, and no undertaking shall be required as a condition to the granting or issuing of any such injunction or by reason thereof. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

§ 10. It shall be the duty of the commissioner of police and excise to direct the captain of each police precinct in the

city to register in a book provided for that purpose, the names and addresses of all physicians in good and regular standing within said precinct who shall make application for such registry, and shall thereby pledge themselves to respond to any call for medical attendance made as hereinafter described. Each name thus registered shall be submitted to the register of vital statistics of the department of health of the City of Brooklyn whose duty it shall be to ascertain and report whether said physician is in good and regular standing, and to transmit a certificate to such effect to the captain of said precinct, and only upon receipt of such certificate shall it be lawful for the captain of the said precinct to employ such physicians as hereinafter named. The names and addresses of such physicians as have been duly certified by the register of vital statistics, shall be plainly and legibly written or printed upon a bulletin provided for that purpose, which bulletin shall be placed at a convenient point near the captain's desk and kept open to the inspection of all persons within the precinct desiring to see the same. Upon the application of any person residing within the said precinct, whose name and address, together with the name and address of the said persons desiring and needing such attendance, and the date of the application shall be duly registered in a book kept open for that purpose, it shall be the duty of the captain, or any other officer at the desk, in the absence of any expressed preference by the applicant, to select from the list of physicians thus registered the name of the physician residing nearest the residence of the said patient in whose behalf application is made, and to notify him without delay of the existence of such application. It shall be the duty of the captain, sergeant or other officer at the desk in such police precinct, as before specified, upon registry of any application as described in this section, immediately to detail an officer, whose duty it shall be to call upon such physician without delay, and to conduct him to the residence of the patient; also, to verify by personal inspection or inquiry the name and address of such patient as registered by his superior officer. Every officer thus detailed as messenger shall be furnished with a blank certificate upon which the name and address of the physician responding to the call, the name

and address of the patient attended, and the date and hour of the visit, shall be written by him after he has conducted the physician to the patient's residence and verified the genuineness of the application. Such certificate shall be signed by him and given to the physician, and shall specify upon its face that the physician herein named is entitled to the sum of three dollars from the public funds upon presentation thereof to the proper officer, and indorsement thereof in writing with the name of the captain of the precinct. But it shall be the duty of the physician making such visit to present such certificate to the patient or his or her agent or attendant, and to request payment of the sum specified; and in case of such payment being made said physician shall surrender such certificate to the person or persons making it, and it shall cease to be a claim upon the public treasury. In default of the immediate payment of the said fee specified in the said certificate by the patient or his or her attendant, it shall be the duty of the captain of the police precinct in which the visit was made to indorse it with his name; and after having been indorsed by the head of the department of health or his deputy, it shall be the duty of the comptroller of the said city to pay at sight the fee aforesaid, and to enter the payment in a book provided for that purpose and take up the certificate. And all certificates thus redeemed shall be valid debts to the amount therein named against the patient therein named or their guardian, which the said commissioner of health of said city may order collected by due process of law; provided that no prosecution shall be instituted in cases where it is satisfactorily shown that the patient is without sufficient means for the payment thereof. It shall be the duty of every physician thus called to the medical assistance of any person within the police precinct in which he is registered, to transmit to the register of the department of health, within twenty-four hours after the call shall have been answered, a full and accurate statistical exhibit of the case, specifying therein the age and sex, and the employment, profession or business of the patient, the nature of the disease, the hour of the attack when practicable, the date and the police precinct and ward in which the case occurred; the same shall be signed with the full name and address of the

physician rendering it, but the name and address of the patient shall always be omitted ; and it shall be the duty of the commissioner of health to provide all physicians thus registered for night medical service with appropriate blanks for the said purpose, upon their application therefor. Any policeman who shall be detailed as a messenger according to the provisions hereinbefore specified, shall, in the absence of preference expressed in application, call the physician nearest and most convenient to the patient's residence, or, in the absence or refusal from any cause of the latter, the physician next nearest, and so on, and there shall be no delay or waiting for such physician to return ; and any member of the force neglecting to comply with this provision shall be subject to trial and fine or dismissal from the service, by the head of the department of police and excise in the same manner as for other offences cognizable by the said body ; and any physician thus registered who shall twice refuse or neglect, without reasonable excuse, to answer a call made according to provisions of this act, shall be subject to have his name erased from the list, upon proper evidence thereof submitted to an executive officer who shall be appointed by the register of vital statistics of the department of health, and shall be under his immediate supervision. The captains of the several police precincts if, in their judgment, it shall be necessary to the public convenience, may cause the bulletins of physicians herein specified to be posted in any public place or store within their respective precincts, as they shall deem advisable, under the direction of the head of the police department ; but any applicant desiring the service of any messenger other than a member of the police force detailed for the purpose, shall employ such messenger at his own expense, and shall be liable for any expenses incurred in communicating with the police precinct. The time during which the physicians registered under this act shall be held to be subject to call, shall be between the hours of ten in the evening and seven in the morning, from October first to March thirty-first, inclusive, and between the hours of eleven in the evening and six in the morning from April first to September thirtieth, inclusive.

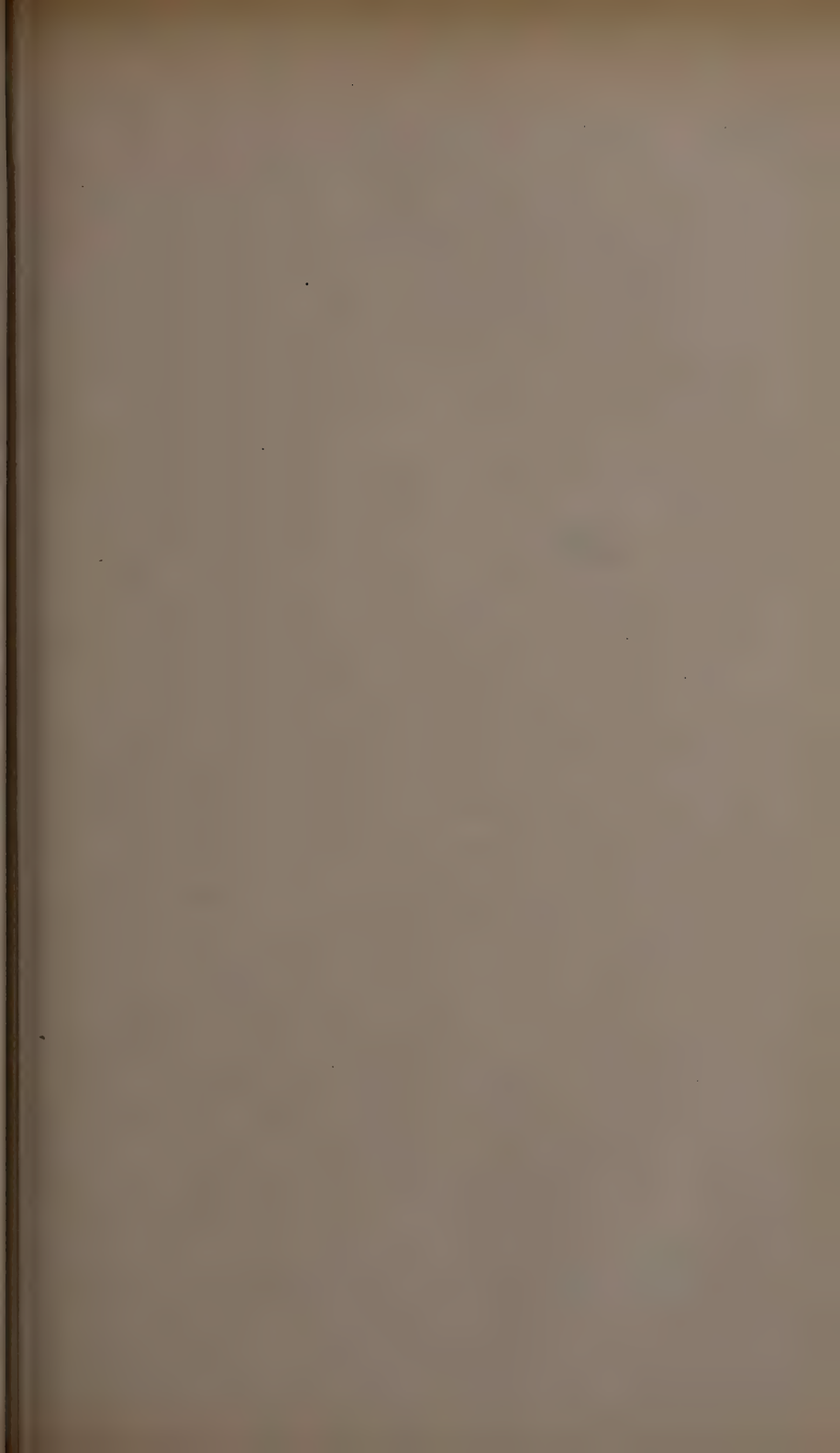
§ 11. The board of estimate of the City of Brooklyn is hereby authorized and directed to apportion and insert in their estimate of the expense of said city, in each year, an amount necessary for the support of the aforesaid night medical service, when its organization shall have been established as aforesaid, but in no case shall the sum so apportioned exceed three thousand dollars for any one year, and the amount so apportioned shall be inserted in the tax levy of said city.

§ 12. The mayor, with the commissioner of the department of health and the commissioner of the department of city works of the City of Brooklyn, are hereby constituted a commission, with power and authority by this act, to select a site in or near the City of Brooklyn, County of Kings, for the erection of public hospitals for the reception and treatment of persons suffering from infectious or contagious diseases. After such a site has been selected as aforesaid, it shall be purchased at a fair market value or leased by said commissioners. And the said commission is thereupon and they are hereby authorized to apply to the supreme court, at a special term thereof, to be held in the County of Kings for the appointment of three commissioners to ascertain and appraise the amount of damage, if any, which may be done to any property or interests therein by reason of the occupation of said public hospitals by the persons suffering from infectious or contagious diseases. Said commissioners so appointed shall meet immediately after their appointment and shall be sworn before some officer authorized to administer oaths, faithfully and impartially to perform the duties which shall devolve upon them by virtue of said appointment, and shall then proceed with all reasonable diligence to ascertain and appraise the amount of damage, if any, as aforesaid. They shall give public notice to all parties interested of the time, place and object of their meeting by a notice published in the corporation newspapers of the City of Brooklyn for ten days successively, and shall at said meeting and from time to time as they shall determine, hear all persons interested in said matters and shall take such testimony as may be offered on behalf of said interested persons on behalf of the City of

Brooklyn as to the damage to property and interests therein which may be done thereto by reason of the occupation and use of said public hospitals by persons suffering from infectious or contagious diseases. Any maps, diagrams or plans which may be required by said commissioners in the performance of their duties shall be furnished, upon their request, by the commissioner of city works of said City of Brooklyn. The said commissioners shall prepare a report setting out in detail their conclusions accompanied with a map showing the location of the property affected, and a tabular statement of the amounts awarded, the interest affected and the persons entitled to awards. Said report shall be presented to the supreme court at a special term thereof on any day upon a notice published in the corporation newspapers for ten days successively and, that said report be presented to said court for confirmation. The said court shall hear any objections to said report or any part thereof, and may either confirm the same or send it back to the commissioners of estimate, who shall thereupon reconsider the same and again report the result to the said court and their said report shall again be presented to said court for confirmation upon a similar notice as heretofore provided for. Said court shall again hear objections and may confirm the same or send the same back as before provided. If the said report is confirmed, said confirmation shall be final and conclusive, but the same shall be sent back and reconsidered as often as said court may deem necessary. The City of Brooklyn shall pay to each commissioner the sum of five dollars per day, for every day necessarily spent by him in the performance of his duty under this section. Upon the taking of the oath by said commissioners, as herein provided, the City of Brooklyn is authorized to enter upon and use the said public hospitals for the purposes provided for in this section. The board of estimate of the City of Brooklyn is hereby authorized to include from year to year in its annual report, the sum or sums necessary for the purchase or lease of said site for the erection and maintenance of said public hospitals and for the payment of the damages ascertained to be done to the property and interests therein, by reason of the use and occupation of said public hospitals for the purposes

mentioned in this section, and the sum or sums so reported shall be included in the annual tax levies of said city. Any money which may be required for immediate use for any of the purposes aforesaid, or for the payment of the commissioners, or other expenses incurred in carrying out the provisions of this section may be raised by the issue of tax certificates as other tax certificates are issued in said city, the payment of which shall be provided for in the next annual budget. After such site has been selected as aforesaid either by purchase or lease, and whenever funds have been provided in the manner aforesaid, the said commissioners are empowered by this act to take such property by purchase or lease in the name of the City of Brooklyn, after the corporation counsel shall have approved the validity of the title to the same. The management of said hospitals shall be under the direction and control of the commissioner of the department of health in the City of Brooklyn. The said commissioner of the department of health of the City of Brooklyn shall make rules and regulations for the conduct and government of said hospitals. He shall appoint all physicians who shall be doctors of medicine, holding degrees from medical colleges in good standing. He shall appoint such employees, nurses and servants as may be necessary and determine their salaries, and shall regulate the scale of prices for those who are able to pay for admission and treatment. But no person having any infectious or contagious disease shall be refused admission to these hospitals because of his or her inability to pay. The commissioner of the department of health is hereby authorized to cause to be removed to these hospitals any person or persons afflicted with contagious or infectious diseases whose house and sanitary surroundings are not satisfactory to the said commissioner. All moneys received from patients treated in these hospitals shall be paid into the city treasury.

Chap. 245, Laws of 1891.



TITLE XIII.

DEPARTMENT OF FIRE.

SECTION 1. The head of the department of fire shall be the fire commissioner. He shall be appointed by the mayor, as hereinbefore provided. His term of office shall be for two years, to commence on the first day of February next succeeding his appointment. He shall receive an annual salary of five thousand dollars.

§ 2. The said commissioner shall possess and exercise full and exclusive control and management of all matters relating to the government, management and maintenance of the fire department and the premises and property thereof, subject to the direction of the common council, and shall have sole and exclusive official power and authority to extinguish fires in the City of Brooklyn. The said commissioner shall also have power to provide for and regulate the inspection of fire hydrants and is authorized to appoint such laborers as may be necessary for the inspection of fire hydrants. Any such laborer who shall be directed to inspect fire hydrants according to the regulations established by said commissioner shall have power to open and examine any fire hydrant within the City of Brooklyn; and in case any hydrant shall be found to be clogged up, frozen, or out of repair, or for any other reason not to be in good working order, it shall be the duty of the person who shall make such inspection and discovery to immediately report the same in writing to the water purveyor, appointed as hereinafter provided in this act.

Chap. 104, Laws of 1894.

§ 3. The common council shall provide supplies, horses, tools, implements and apparatus of any and all kinds (to be used in the extinguishing of fires), and fire telegraphs, provide suitable locations for the same; and shall have power to buy, sell, construct, repair and have the care of the same, and take any and all such action in the premises as may be necessary and proper.

§ 4. Whenever the said fire commissioner shall determine that any of the real or personal property of said department

is not required for its purposes, he shall file with the comptroller of said city a list of such property, and within thirty days thereafter the same shall be disposed of as the common council may direct, and the proceeds thereof shall be paid into the treasury to the credit of said department, and may be drawn as directed by the common council for the purpose of purchasing other real or personal property for said department as may be directed by said common council.

§ 5. The said commissioners shall have power to select a secretary, chief and assistant engineers, and a superintendent of the repairs to the fire apparatus in the fire department, who shall be rated as the district engineers in said department, and shall be entitled to the same privileges, immunities and compensation as the district engineers in said department, and as many officers, clerks, foremen, engineers, drivers, inspectors and bell ringers as may be necessary, provided that the salaries of such employes, in the aggregate, shall not exceed the amount annually raised by the proper officers for such purposes. The said employes shall at all times be under the control of the commissioner, and perform such duties as may be imposed upon them by the said commissioner.

Chap. 190, Laws of 1890.

§ 6. The firemen, engineers and drivers appointed by the fire commissioner as hereinbefore provided, shall each receive for his services a salary of one thousand dollars per annum; provided that all firemen, engineers and drivers shall during the first year of their service receive a salary of seven hundred dollars per annum, and thereafter an increase of fifty dollars per annum, until the salary of each shall amount to the sum of one thousand dollars per annum. The grade of the firemen and engineers of the fire department shall be as follows: All such members who are below the grade of engineers, and shall have served three years or upwards in said department, shall be firemen of the first grade; all such firemen who have served in said department for less than three years and more than one year, shall be firemen of the second grade; and all other firemen who are in said department, shall be firemen of the third grade; and all persons appointed fire-

men shall, on their appointment, become firemen of the third grade. Whenever any firemen of the third grade shall have done service therein for one year he shall be advanced to the second grade, and whenever any fireman of the second grade shall have done service therein for one year, he shall be advanced to the first grade. Engineers of steamers who shall have served three years or upwards in said department shall be engineers of the first grade: all such engineers who have served in said department for less than three years and more than one year, shall be engineers of the second grade: and all other engineers who are then in said department, shall be engineers of the third grade. The annual pay or compensation of the uniformed members of the department shall be fixed by a majority of all the members of the board of estimate of the City of Brooklyn, and shall not be less than the salaries now paid to said members, and not greater than the following, namely: for firemen of the first grade at a rate not to exceed twelve hundred dollars per annum: for firemen of the second grade at a rate not to exceed eleven hundred dollars per annum: for firemen of the third grade at a rate not to exceed one thousand dollars per annum. Also, fix the pay of bell ringers at a rate not less than nine hundred, nor more than one thousand dollars per annum. Also, fix the pay of engineers of steamers for the first year's service at the sum of eleven hundred dollars per annum, and thereafter yearly an increase of one hundred dollars per annum, until the salary of each shall amount to the sum of thirteen hundred dollars per annum. The pay or compensation shall be paid monthly to each member, and the said board of estimate shall not have power to reduce the present pay received by the members of the department. The veterinary surgeon shall be subject to the same laws and regulations as the uniformed force, and the said veterinary surgeons shall rank the same as a district engineer in said department, and the salary shall not exceed that of the district engineer, nor shall it be less than the salary now paid to the veterinary surgeons as aforesaid.

§ 7. The aforesaid officers and men, with their apparatus of all kinds, when on duty, shall have the right of way at any fire and in any highway, street or avenue, over any and all

vehicles, of any kind, except those carrying the United States mails, and any person in, or upon, or owning any vehicle, who shall refuse the right of way, or in any way wilfully obstruct any fire apparatus or any of said officers while in performance of duty, shall be guilty of a misdemeanor, and be liable to punishment for the same.

§ 8 The names of all members of the fire department shall be duly enrolled under the direction of the fire commissioner. It shall be a misdemeanor for any person not so enrolled or employed, or appointed by the said commissioner, to wear the whole or any part of the uniform or insignia prescribed to be worn by the rules and regulations of the department, or to do any act as firemen not duly authorized by the commissioner, or to interfere with the property or apparatus of the fire department in any manner, unless, by the authority of the said commissioner. No member of the fire department shall be liable to military or jury duty while performing his duty as a fireman.

§ 9. It shall be the duty of said commissioner to make suitable regulations under which the officers and men of the department shall be required to wear an appropriate uniform and badges, by which, in case of fire, and at other times, the authority and relations of such officers and men may be known, and the commissioner shall have power, in his discretion, on conviction of a member of the department for any legal offense, or neglect of duty, or violation of rules, or neglect or disobedience of orders, or incapacity, or absence without leave, or any conduct injurious to the public peace or welfare, or for immoral conduct, or any other breach of discipline, to punish the offending party by reprimand, forfeiting or withholding pay for a specified time, or dismissal from the department; but no more than ten days' pay shall be forfeited and withheld for any offense; but no member employed on the force for extinguishing fires shall be removed without cause, and then only after a public trial by the said commissioner of the department of fire, and after having been found guilty of misconduct or neglect of duty, or having been adjudged incapable of performing his duties;

and the evidence on such trial shall be taken in full, and kept as a public record.

Chap. 371, Laws of 1889.

§ 10. In case there should hereafter be any fire in the City of New York, which, in the opinion of the commissioners of the New York fire department, or a majority of them, shall require the presence and co-operation of a greater number of officers or men or apparatus than may be at the command or under the control of said New York fire department to extinguish the said fire, it shall be the duty of said New York fire commissioners, and they are hereby empowered to request, in writing, the fire commissioner of the City of Brooklyn to assist them with officers, men and apparatus, or either of them, from the said City of Brooklyn, to aid in putting out and extinguishing the said fire, and it shall be the duty of the said fire commissioner, when so called upon, to furnish the same. And in case there shall hereafter be a fire in the City of Brooklyn, which, in the opinion of the fire commissioners of said city, shall require the presence and co-operation of a greater number of officers or men or apparatus than may be at the command or under the control of said fire commissioner, to extinguish said fire, it is hereby made the duty of said fire commissioner, and he is hereby authorized to request, in writing, the commissioners of the New York fire department to assist him with officers, men and apparatus, or either of the same, to aid in putting out the said fire, and it shall be the duty of the said New York fire commissioners to furnish the same: and in case any expense is incurred by the said commissioner of the City of Brooklyn in aiding the said New York fire commissioners, as hereinbefore provided, the amount of such expense, when duly certified under oath by the fire commissioner of the City of Brooklyn to the said New York fire commissioners, shall be paid to the City of Brooklyn by the City of New York; and in case any expense is incurred in furnishing the aid provided in this act by the said New York fire commissioners to the said fire commissioner of the City of Brooklyn, it shall be the duty of the City of Brooklyn to refund the same to the City of New York, when the same shall have been duly certified under oath by the said New York fire commissioners.

§ 11. The said commissioner shall provide for protection against fire, and may provide for the arrest of all persons who may, at or near any fire, commit or attempt to commit any crime against the laws of this State, or may violate any rule or any regulation of said department.

§ 12. When a building shall be on fire in said city, the fire commissioner, or in his absence, the chief engineer, may order such building or any adjoining building, to be pulled down or otherwise destroyed, if he shall deem it likely to convey the fire to another building.

§ 13. Any person who shall be or shall have been injured or damaged by reason of the pulling down or destruction of any building in said city, as provided in the last preceding section, for the purpose of preventing the spreading of fire, may institute against the said city an action to recover compensation for such injury or damages; and in case a final judgment be recovered in such action against the city, the amount so recovered, with interest, and all the costs and expenses of the city in the defense of such suit, shall be paid out of the revenue fund.

§ 14. All fines imposed by the fire commissioner upon members of the fire department, by way of discipline, and collectable from pay or salary, and all rewards, fees, proceeds of gifts and emoluments that may be paid and given for account of extraordinary services of any member of the department (except when allowed to be retained by said member), and all moneys received for penalties, under the provisions of this title, shall be paid into the treasury to the credit of the firemen's insurance fund. The payments so made shall constitute and be kept as a fund to be called the "firemen's insurance fund," and the fire commissioner and the commissioners of the sinking fund are hereby declared to be the trustees of the said fund, and they shall have power, and it shall be their duty, from time to time, to invest the same, in whole or in part, as they shall deem most advantageous for the objects of said fund; and they are empowered to make all the necessary contracts and take all necessary remedies in the premises; and the said trustees for and on behalf of the uses and purposes of said fund shall be entitled to receive,

and there shall be paid to them by the treasurer of the City of Brooklyn, annually, all the percentage or tax on the receipts of the foreign fire insurance companies doing business in the City of Brooklyn, and the amount so received shall be applied to and used for the purposes of said insurance fund as herein provided.

See Ch. 338, Laws of 1893.

§ 15. Any officer or member of the fire department who shall, while in the actual performance of his duty, and by reason of such performance of duty, and without fault or misconduct on his part become permanently disabled, physically or mentally, so as to be unfitted to perform duty, and any such officer or member who shall, after ten years' membership, become superannuated by age, or rendered incapable of performing duty by disease contracted without misconduct on his part, may be placed on the pension roll of the firemen's insurance fund, and granted and paid a pension of not exceeding one-half of the annual compensation allowed such officer or member, as salary at the date of his retirement from the service from the said fund. In every case the circumstances thereof, shall be determined by a board to be composed of the deputy commissioner, the chief engineer, and a surgeon of the department, who shall report all the facts in every case to the commissioner who shall order the payment of the pension to be made by drafts, signed as the said trustees shall direct, and such pension shall not be reduced or discontinued previous to the death of said retired pensioner. If any officer or member of the department, while in the actual discharge of his duty, shall be killed or shall die from the effects of any injury received by him while in the actual discharge of said duty, or shall die after ten continuous years in the service of the department (such death not being caused by misconduct on his part), or shall die after having been retired from actual service, leaving a widow, the name of such widow may be placed on such pension roll, and there may be granted and paid to said widow a pension of three hundred dollars per year, from said fund, so long as she remains unmarried. If such member dying, as aforesaid shall

leave any minor child or children, but no widow (or if a widow, then after her death), the name or names of such child or children, under the age of eighteen years, may be placed on said pension roll, and a pension from said fund granted and paid to such child or children; if more than one, to be divided equally between them; such pension or share of pension to cease on the said child or children, respectively, arriving at the age of eighteen years, or whenever earlier discontinued by order of the commissioner. In every case the commissioner shall determine the circumstances thereof, and order payment of the pension to be made by draft, signed as the said trustees shall direct; but nothing herein contained shall render any payment of said pension obligatory upon the said commissioner or upon said trustee, or chargeable as a matter of legal right upon the said firemen's insurance fund. The commissioner or commissioners of the fire department, in his or their discretion, for proper cause, and after investigation, may at any time order such pension, or any part thereof, to cease. There shall be deducted by the comptroller of the City of Brooklyn, from the monthly pay of each officer and fireman of said department, and from that of the other employees of said department, as shall desire to avail themselves of this provision, and by the trustees of the fireman's insurance fund from the monthly pension of such retired members of the department who had contributed to said fund before retirement, the monthly sum of one dollar, which shall be received and held by the trustees of the insurance fund herein created, in the like manner as the other moneys herein provided to be paid to them, and which shall be known as the Brooklyn fire department widows' and orphans' relief fund; and in case of the death of any member or employee of said department in the service thereof, or retired pensioner, so contributing, there shall be paid to the widow or legal representative of such deceased member or employee or retired pensioner, the sum of one thousand dollars out of the money so assessed; and in the case by reason of the number of deaths, the aggregate amount of the money so provided to be assessed and collected should prove inadequate to make such payment, then the assessment may, in the discretion of the trustees, be increased to not exceed

the sum of two dollars in each months pay. The said commissioner of the fire department of the City of Brooklyn may direct the trustees of the Brooklyn fire department widows' and orphans' relief fund to pay from said fund to the widow of any deceased retired pensioner of said fire department who had contributed to said fund previous to his said retirement, and who, by reason of said retirement, was debarred from further contributing to or receiving any of the benefits of said fund, such sum of money as the widow of said retired pensioner would have been entitled to receive if said retired pensioner had not been retired from said fire department at the time of his death.

Chap. 153, Laws of 1889.

See Chap. 477, Laws of 1888.

§ 16. The commissioner, for meritorious and extraordinary services rendered by any member of the department in the due discharge of his duty, may permit such member to retain for his benefit any reward or present tendered him therefor: and it shall be the cause of removal from any department for any member thereof to receive any such reward or present without notice thereof to the commissioner. Upon receiving said notice, the said commissioner may either order the said member to retain the same, or shall dispose of it for the benefit of the firemen's insurance fund.

§ 17. The said commissioner is hereby authorized and empowered to investigate, examine, and inquire into the origin, details and management of fires in said city, and also of any supposed cases of violations of any of the several provisions of law under this title, or any of the several regulations, orders or special directions issued by said commissioner for the purpose of the discovery of any delinquency in the non-performance of duty, or violation of discipline on the part of any officer, agent, or employee of said commissioner, or any supposed cases of arson or incendiarism, which may be brought to his notice; and said commissioner, in and about any examination, investigation or inquiry, authorized hereby, touching any matter or thing therewith connected, may subpoena and compel the attendance of person or persons, and the production of any books, papers, archives or documents

in his or their possession, or under his or their control, in the judgment of said commissioner, connected with and necessary to such examination, investigation, or inquiry before him, at the time and place therein named; and for the purpose aforesaid, the attorney and counsel to the City of Brooklyn may, at any time, obtain to be issued subpoenas out of the supreme court, issued under the name of a justice of said court, in like form and with like effect, as though issued by said justice in any action pending in a court of record; and said subpoena may be served, and proof of such service may be made in the same manner as now by law provided for the service of subpoenas out of the said court: and upon proof of service and proof of non-compliance, failure to attend and testify on the part of any person or persons, as required by said subpoena, or a failure or refusal on the part of said person or persons, to produce any such books, papers, archives, or documents in his or their possession, or under his or their control, or a failure or refusal on his or their part to answer any question put to him or them, and pertinent thereto, upon any examination, inquiry, or investigation as aforesaid, application may be made before any justice of said court, who shall, in case he shall decide such question pertinent and proper to be answered, thereupon cause to be arrested, and may punish as for a contempt of the orders of said court, the person or persons named in said subpoena, and in such case the laws, rules, and proceedings relating to punishments for contempts, and usual in said court, or before any justice thereof, shall be applicable thereto. Said commissioner in conducting any examination or inquiry as aforesaid, may cause to be administered, by a commissioner of deeds or notary public, any oath, or affirmation, in the manner and form usually administered in said supreme court, and any false swearing, under said oath or affirmation thus administered, shall be perjury, and punishable as such, in such manner as now provided under the law applicable thereto; and said examination or investigation may be continued and adjourned by the said commissioner conducting the same, from time to time, and at such time and place as shall be designated, and any person subpoenaed as aforesaid, shall attend and testify upon said adjourned day or days and at the time and place

designated, and of which they shall have been notified, as though the same had been named in said subpoena, and with like effect as to any failure to appear and answer under the requirements therein contained; provided that any testimony or evidence taken as aforesaid, shall be for the information and instruction of said commissioner in the discharge of his duties, and in the prevention of future fires and the protection of property, and shall be carefully kept in the archives and possession of said commissioner, and shall in no manner be used in any criminal proceeding or action, but may be placed before any grand jury in the County of Kings.

§ 18. No person shall have, keep upon sale, or store in any place or building within the corporate limits of the City of Brooklyn, any crude petroleum, kerosene, gasoline, earth or rock oil, or any of its products, except under the following provisions: Crude petroleum, earth or rock oil, or any of its products, may be stored in detached and properly ventilated warehouses, the outer walls of which shall be stone, brick or iron, especially adapted for the purpose, by having raised sills, at least two feet high, or the ground floor of which shall be at least two feet below the level of the street or the adjoining yard, or so constructed as to actually prevent the overflow of such substances beyond the premises, where the same may be kept or stored, which said warehouse shall not be occupied in any part as a dwelling, and, if less than fifty feet from any adjacent building, the same must be separated by a brick or stone wall, at least ten feet in height, and sixteen inches thick, constructed in such a manner as the commissioner of the department of fire may prescribe; but the same may be stored in such other manner as the said commissioner may designate, under a special permit issued therefor. No refined petroleum, kerosene, earth or rock oil, or any product thereof, to be used for illuminating purposes, shall be kept upon sale or stored within the corporate limits of the City of Brooklyn, the fire test of which shall be less than one hundred and ten degrees Fahrenheit. Said test shall be determined by inspectors, authorized by said commissioner using G. Tagliabue's instruments or such other instruments as may be designated by said commissioner. No refined petroleum, kerosene, dua-

lin, gasoline, earth or rock oil, when stored above the cellar or basement of any building, and in barrels of not over forty-five gallons each, or in metallic vessels or tanks, shall exceed in the whole quantity the contents of fifty of said barrels; provided, however, that the whole quantity of said refined oils that may be so kept or stored over night shall not exceed the contents of ten of said barrels, unless stored in the manner provided for storing crude petroleum; and when stored in cellars or basements surrounded by wall of brick or stone, and at least two feet below the level or grade of the sidewalk, street or land adjacent, the whole quantity shall not exceed the contents of one hundred and fifty barrels, unless stored in warehouses specially adapted for that purpose, as required for the storage of crude petroleum under this section: provided, also, that no quantity of said oils greater than one barrel shall be stored or kept in any building occupied in any part thereof as a dwelling. No benzine, benzole, gasoline, naphtha, camphene, burning fluid, or products or compounds containing any of such substances, shall be kept or stored on or above the first story or floor of any building, exceeding in the whole quantity the contents of five barrels of forty gallons each, nor more in quantity than the contents of twenty of said barrels in the whole when stored below the first floor, unless kept in the manner provided for storing crude petroleum; nor shall more than one barrel in quantity of said last above named article be kept in any building occupied in any part thereof as a dwelling. In no case shall any of the articles named in this section be allowed to remain on the sidewalk beyond the front line of any building or in or upon the streets, docks, piers, bulkheads, slips, highways or public places, a longer time than is actually necessary for the removal or loading of the same; and the said commissioner may establish and enforce general regulations and issue such orders and such especial directions relative to the handling, lightering, carting, loading, unloading and transportation of the several articles named under this section as in his discretion shall be deemed necessary for the public protection; and said commissioner may issue special permits authorizing the keeping of any of the articles enumerated under this section in build-

ings, tanks, or structures, fire-proof throughout, in such quantities, in such manner, and subject to such regulations as shall tend to secure the same against danger. No person shall sell at retail any kerosene or other product of petroleum, dualin, gasoline, to be used for illuminating purposes, without first obtaining a license therefor from the said commissioner, under such rules and regulations as he may prescribe, which license shall be for the term of one year and shall not be transferable; and for every such license, and for every renewal of the same, the said commissioner shall demand and receive the sum of five dollars; said license shall be posted in a conspicuous place in the store of the person or persons to whom the same is issued, and may be revoked for cause by said commissioner. Any person who shall sell any of the compounds above mentioned in this section, without first obtaining a license therefor, shall forfeit and pay the sum of twenty-five dollars. In case any person is burned by the explosion of any compound, the sale of which is prohibited by any section of this act, or has not been inspected or licensed as herein provided, and death ensues therefrom, the person found guilty of selling the same shall be deemed guilty of a felony, and upon conviction shall be punished by a fine of not less than one thousand dollars, or by imprisonment in the State prison for a term of not less than one year nor more than five years. And any dealer who shall present and deliver for inspection a sample of oil different from, and which does not represent the quality of oil actually kept by him or her for sale, and not taken from the actual stock being offered for sale, and of the same quality therewith, shall forfeit and pay the additional sum of fifty dollars.

Chap. 371, Laws of 1889.

§ 19. The commissioner of the department of fire of the City of Brooklyn is hereby authorized and empowered to receive and collect all license fees herein provided for, and pay the same into the treasury of said city for the use and benefit of the fireman's insurance fund. The attorney and counsel of said city shall, in the name of and for the use and benefit of the firemen's insurance fund, sue for and collect all penalties and costs imposed under the provisions of this title.

in the manner provided for in actions under the code of civil procedure.

Chap. 371, Laws of 1889.

§ 18. There shall be an officer to be appointed by the said commissioner, to be known as the fire marshal of the City of Brooklyn, who shall reside in Brooklyn. He shall take the constitutional oath of office and hold such office during the pleasure of said commissioner and until a successor shall be appointed and duly qualified by taking the constitutional oath of office. He shall receive an annual salary of twenty-five hundred dollars. Upon his death, resignation, or removal, and thereafter as often as a vacancy shall occur in said office, the said commissioner shall appoint a proper person to be said fire marshal. The business office of the said fire marshal shall be at the headquarters of the department.

Chap. 373, Laws of 1889.

§ 19. It shall be the duty of said fire marshal to examine into the cause, circumstances and origins of fires occurring in the City of Brooklyn, by which any building, vessel, vehicle or any valuable personal property shall be accidentally or unlawfully burned, destroyed, lost, or damaged by fire, wholly or partially: and to especially inquire and examine whether the fire was the result of carelessness or the act of an incendiary. The said fire marshal shall take the testimony, on oath, of all persons supposed to be cognizant of any facts, or to have means of knowledge in relation to the matters herein required to be examined and inquired into, and cause the same to be reduced to writing, verified and transmitted to said commissioner with his report in writing, embodying his opinions and conclusions in relation to the matter investigated. The said fire marshal shall report in writing to the said commissioner, to the district attorneys, to the New York board of fire underwriters, to the owners of property, or other persons interested in the subject matter of investigation, any facts and circumstances which he may have ascertained by such inquiries and investigations, which shall, in his opinion require attention from said commissioner, officers or persons: and it shall be the duty of the said fire

marshal, whenever he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, to cause such person to be arrested and charged with such offence, and furnish the district attorney with all the evidence of guilt, with the names of witnesses, and all the information obtained by him, including a copy of all pertinent and material testimony taken in the case; and he shall specially report to the said commissioner, as often as he shall be required, his proceedings and the progress made in all prosecutions for arson, and the result of all cases which are finally disposed of.

Chap. 373, Laws of 1889.

§ 20. The said fire marshal shall have the power to issue a notice in the nature of a subpoena, in such form and subscribed in such manner as the said commissioner shall prescribe, to compel the attendance of any person as a witness before him, to testify in relation to any matter which is hereby made a subject of inquiry and investigation by the said marshal. The said fire marshal shall be and is hereby authorized to administer and verify oaths and affirmations to persons appearing as witnesses before him: and false swearing in any matter or proceeding aforesaid shall be deemed perjury, and shall be punishable as such. Upon the presentation of satisfactory proof of due service of any such notice, in the nature of a subpoena, upon any such witness, and of a failure by such witness to obey the same, it shall be the duty of the said commissioner to make an order that the said witness be arrested and brought before the marshal to testify what such witness may know in relation to the subject matter of inquiry. Such order may be executed* by any member of the police force by arresting and bringing such witness before the said marshal: but such witness shall not be detained longer than is necessary to take such testimony. The said fire marshal shall have the authority, at all times of the day or night, in performance of the duties imposed by the provisions of this act to enter upon or examine any building or premises where any fire shall have occurred, and the build-

* So in original.

ings and premises adjoining and near to that in which the fire occurred.

Chap. 373, Laws of 1889.

§ 21. It shall be the duty of the commissioner of the department of fire to supervise and direct whenever he shall be of the opinion that the public interests will be subserved thereby, the investigations, examinations and proceedings of said fire marshal and make all needful and proper rules and regulations in relation to the duties of the office and the manner of performing the same, and he shall detail any members of the department to aid and assist in the performance of such duties: and upon the requisition of the fire commissioner, the commissioner of police and excise is authorized to detail any member of the police force to aid the fire marshal and to assist in the performance of such duties as in his discretion he may deem fit and proper.

Chap. 373, Laws of 1889.

§ 18. There shall be an officer to be appointed by the said commissioner to be known as the fire marshal of the City of Brooklyn who shall reside in Brooklyn. He shall take the constitutional oath of office. Upon his death, resignation or removal, and thereafter as often as a vacancy shall occur in said office, the said fire commissioner shall appoint a proper person to be said fire marshal. The board of estimate of the City of Brooklyn and County of Kings, or a majority thereof, are hereby authorized and empowered to fix the salary of the fire marshal at an amount not less than twenty-five hundred nor more than thirty five hundred dollars per annum. He shall rank as a member of the uniformed fire force of the department of fire, and shall be entitled to all the privileges and immunities thereof except to be placed on the pension roll of the firemen's insurance fund. The business office of the said fire marshal shall be at the headquarters of the said department.

Chap. 445, Laws of 1892.

§ 20. The said fire marshal shall have power to issue a notice in the nature of a subpoena, in such form and subscribed in such manner as the said commissioner shall pre-

scribe to compel the attendance of any person before him as a witness to testify in relation to any matter which is hereby made a subject of inquiry and investigation by the said marshal. The said fire marshal shall be and hereby is authorized to administer and verify oaths and affirmations to persons appearing as witnesses before him, and false swearing in any matter or proceeding aforesaid shall be deemed perjury, and shall be punishable as such. Upon the presentation of satisfactory proof of due service of any such notice, in the nature of a subpoena upon any such witness, and of a failure by such witness to obey the same it shall be the duty of the said commissioner to make an order that the said witness be arrested and brought before the marshal to testify what such witness may know in relation to the subject matter of inquiry.* Such order may be executed by any member of the police force by arresting and bringing such witness before the said marshal; but such witnesses shall not be detained longer than is necessary to take such testimony. The said fire marshal shall have the authority at all times of the day and night in performance of the duties imposed by the provisions of this act to enter upon or examine any building or premises where any fire shall have occurred, and the buildings and premises adjoining and near to that in which the fire occurred. In case of a failure to testify on the part of any person or persons as required by said subpoena, or a failure or refusal on their part to produce any such books, papers, articles or documents in his or their possession, or under his or their control, or a failure or refusal on his or their part to answer any question put to them or him and pertinent thereto upon any examination, inquiry or investigation as aforesaid, then application may be made by the said fire marshal to any justice of the supreme court who in case he shall decide such question to be pertinent and proper to be answered may thereupon cause the person or persons named in said subpoena to be arrested, and may punish him or them for contempt of the orders of said court: and in such case the laws, rules and proceedings relating to punishment for contempt, and usual in said court, or before any justice thereof, shall be applicable thereto.

Chap. 445, Laws of 1892.

* So in original.

§ 21. It shall be the duty of the commissioner of the department of fire to supervise and direct the investigations, examinations and proceedings of said fire marshal whenever he shall be of the opinion that the public interest will be subserved thereby, and to make needful rules and regulations not inconsistent with this act in relation to the duties of said fire marshal, and he may detail such of the force of the fire department to aid the fire marshal in the performance of his duties as he may deem necessary. Upon the requisition of the fire commissioner the commissioner of police and excise is hereby authorized to detail any members of the police force to aid and assist the fire marshal in the performance of his duties.

Chap. 445, Laws of 1892.

§ 22. The fire marshal shall have authority to examine and cause to be examined all exposed gas jets and articles lighted and all substances so exposed and placed which, in his opinion, may be liable to cause conflagration in any building, premises, vessels or vehicle, and report the same to the fire commissioner, and in case of neglect or refusal on the part of the owner or occupant after receiving a written or printed notice from the fire commissioner to alter or remove such exposed gas jets, articles lighted or substances exposed in such manner, and in such reasonable time as the fire commissioner may deem necessary, the party offending shall forfeit and pay the sum of fifty dollars, and for every twenty-four hours after the time allotted as aforesaid to alter or remove, the further sum of ten dollars. The attorney of the city shall, in the name of and for the use and benefit of the firemen's insurance fund, sue for and recover and collect all penalties and costs imposed under the provisions of this title in the manner provided for in actions under the code of civil procedure.

Chap. 445, Laws of 1892.

§ 18. Whenever the commissioners of fire shall be of opinion that any members of the fire department deserves promotion on account of any gallantry or meritorious deed in the discharge of his duty, the commissioner may recommend such promotion as he deems fit and proper

to the mayor, and he shall transmit with such recommendation a full written statement of the deed upon which such recommendation is based, together with the verified statement of at least two witnesses thereof, if there be such number, together with a complete record of the person recommended since his appointment in the department. It shall be the duty of the mayor to examine into such application and the statement submitted therewith, and if he be satisfied that the deed was one of exceptional gallantry and bravery, he may approve in writing the application of the commissioner, and may consent to the promotion recommended or to a promotion of lesser degree. And upon approval of the mayor, as aforesaid, the commissioner hereby is authorized and empowered forthwith to promote such member as such promotion may be approved by the mayor, provided there be a vacancy, and if there be no vacancy, then existing, it shall be the duty of the commissioner to write the name of such member upon a list which shall be kept in the department, to be known as "the list of honor," together with the date of the approval of the mayor as aforesaid and the promotion to which he is entitled, and whenever a vacancy occurs which may be filled from such list in order of seniority thereon, and said commissioner is hereby authorized and empowered to make such promotion. Such promotions as are hereby authorized shall be made irrespective of any other examination or qualification whatever, and all laws and regulations inconsistent with the provisions of this section are hereby expressly repealed so far as they conflict with its provisions.

Chap. 578, Laws of 1893.

§ 18. The commissioner of fire shall, as often as he may think proper, examine or cause to be examined the buildings and dwelling houses and the vessels and vehicles in the city for the purpose of ascertaining any violation of any law or ordinance enacted for the prevention of fire, and also the said commissioner shall inspect, or cause to be inspected, the fire places, hearths, chimneys, stoves, pipes and appurtenances thereto, ovens, boilers, heaters, gas jets, all chemical apparatus and other things and substances which in his opinion, may be dangerous in causing or promoting fire, or dangerous

to firemen or to occupants in case of fire. And it shall be lawful for him, or any inspector or member of the department of fire, when duly authorized by the said commissioner to enter into or upon any lands or dwelling houses, vessels or vehicles, for the purpose of inspection in order to carry out the provisions of this act, and it shall be the duty of any such inspector or member of the fire department so authorized, upon finding anything defective or dangerous to immediately report the same to the said commissioner, who shall direct the owner or occupant of such lands, dwelling houses, vessels or vehicles, by written or printed notice, to alter, remove or amend such defective or dangerous thing in such manner and within such reasonable time as he may deem necessary, and in case of any neglect or refusal so to do the party offending shall forfeit and pay the sum of twenty-five dollars, and for every forty-eight hours after the time allotted aforesaid to alter, remove or amend the said dangerous or defective thing as aforesaid in conformity with the said directions, the party or parties offending shall forfeit and pay the further sum of ten dollars. The corporation counsel of the City of Brooklyn shall, in the name of, and for the use and benefit of the firemen's insurance fund, sue for and recover and collect all penalties and costs imposed under the provisions of this title in the manner provided in the code of civil procedure.

Chap. 449, Laws of 1892.

TITLE XIV.

DEPARTMENT OF BUILDINGS.

SECTION 1. The head of the department of buildings shall be the commissioner of buildings; he shall be a practical mason, carpenter or architect of at least ten years' experience; he shall have sole and exclusive control and management of all matters relating to the regulation and supervision of the erection, alteration and repair of all buildings within the City of Brooklyn, and is charged with the execution of the provisions of this act relating to buildings, as hereinafter provided. He shall appoint such inspectors, clerks, experts and such other subordinates as in his judgment may be necessary to carry out and enforce the provisions of this act, and fix their salaries; the inspectors of buildings shall be practical masons or carpenters of at least ten years' experience; the inspectors of elevators shall be practical machinists; the experts shall be practical builders, architects or engineers, and competent to pass on all plans and questions relating to buildings of any kind. The commissioner shall have full power to revoke and cancel any permit or certificate of approval granted by him in case the person or persons to whom the same is issued fails or neglects to comply with any of the provisions of this title, or of any law relating to buildings in the City of Brooklyn.

§ 2. No wall, structure, building or part thereof, shall hereafter be built, constructed, altered or repaired in the City of Brooklyn except in conformity with the provisions of this title. No buildings already erected, or hereafter to be built in said city, shall be raised, altered or built upon in any manner that would be in violation of any of the provisions of this title.

§ 3. The walls of all buildings, other than frame or wooden buildings, shall be constructed of stone, brick, iron or other hard incombustible material, and the several component parts of such buildings shall be as hereinafter provided.

§ 4. All excavations shall be properly guarded and protected so as to prevent the same from becoming dangerous to life or limb, and shall be sheet piled where necessary, by the

person or persons causing the excavations to be made, to prevent the adjoining earth from caving in. Whenever an excavation of either earth or rock for building or other purposes, shall be intended to be, or shall be carried to the depth of more than ten feet below the curb, the person or persons causing such excavation to be made shall, at all times, from the commencement to the completion thereof, if afforded the necessary license to enter on the adjoining land and not otherwise, at his or their own expense, preserve any adjoining or contiguous wall or walls from injury, and support the same by proper foundations, so that the said wall or walls shall be and remain practically as safe as before such excavation was commenced, whether the said adjoining or contiguous wall or walls are down more or less than ten feet below the curb. If such excavation shall not be intended to be, or shall not be carried to a depth of more than ten feet below the curb, the owner or owners of such adjoining or contiguous wall or walls shall preserve the same from injury, and so support the same by proper foundations that it or they shall be and remain practically as safe as before such excavation was commenced, and shall be permitted to enter upon the premises where such excavation is being made for that purpose, when necessary. In case an adjoining party wall is intended to be used by the person or persons causing the excavation to be made, and such party wall is in good condition and sufficient for the uses of the adjoining building, then, and in such case, the person or persons causing the excavation to be made shall, at his or their own expense, preserve such party wall from injury, and support the same by proper foundations so that said party wall shall be and remain practically as safe as before the excavation was commenced. If the person or persons whose duty it shall be to preserve or protect any wall or walls from injury shall neglect or fail so to do after having had a notice of twenty-four hours from the commissioner of buildings, then the commissioner of buildings may enter on the premises and employ such labor and furnish such materials, and take such steps as, in his judgment, may be necessary to make the same safe and secure, or to prevent the same from becoming unsafe or dangerous at the expense of the party or parties last herein referred to. Any party

doing the said work or any part thereof, under and by direction of said commissioner may bring and maintain an action against the party or parties last herein referred to, to recover the value of the work done and materials furnished on said premises, and may file and enforce a notice of lien therefor in the same manner as if he or they had been employed to do the work by the said party or parties. When an excavation is made on any lot and it is intended to use part of such excavation, on either the side or the rear of the lot, as an area, or space for light and air, the person or persons causing such excavation to be made, shall build at his or their own cost and expense, a retaining wall of sufficient strength and height to support the adjoining earth.

§ 5. Every building except buildings erected upon wharves or piers on the water front, shall have foundations laid not less than four feet below the surface of the earth, on the solid ground or level surface of rock, or upon piles or ranging timbers. Piles intended for a wall, pier or post to rest upon, shall not be less than five inches in diameter at the smallest end, and shall be spaced not more than thirty inches from centers, or nearer if required by the commissioner of buildings, and they shall be driven to a solid bearing. No pile shall be weighted with a load exceeding thirty thousand pounds. The tops of all piles shall be cut off below the lowest water line. When required concrete shall be rammed down in the interspaces between the heads of the piles to a depth and thickness of not less than twelve inches and for one foot in width outside of the piles. When concrete is used on top of piles it shall be composed of hydraulic cement, broken stone and sand, mixed in proper proportions, not less than twelve inches thick and twelve inches outside of the piles, and twelve inches below the top of the piles. When ranging and capping timbers are laid on piles for foundations, they shall be of hard wood not less than six inches thick and properly joined together, and their tops laid below the water line, the heads of the piles shall be cut to a straight line so that the capping timber shall have a solid bearing on the head of each pile. When crib footings of iron or steel are used below the water level, the same shall be entirely coated with coal

tar, parafine varnish, or other suitable preparation, before being placed in position. When footings of iron or steel for columns are placed below the water level, they shall be similarly coated for preservation against rust. Foundation walls shall be construed to include all walls and piers built below the curb level, or nearest tier of beams to the curb, to serve as supports for walls, piers, columns, girders, posts or beams. Foundation walls shall be built of stone or brick. If built of stone they shall be at least eight inches thicker than the wall next above them, to a depth of twelve feet below the curb level, and for every additional ten feet, or part thereof, deeper, they shall be increased four inches in thickness. If built of brick they shall be at least four inches thicker than the wall next above them to a depth of twelve feet below the curb level, and for every additional ten feet, or part thereof, deeper, they shall be increased four inches in thickness. The footing or base course shall be of stone or concrete, or both, or of concrete and stepped-up brickwork, of sufficient thickness and area to safely bear the weight to be imposed thereon. If the footing or base course be of concrete, the concrete shall not be less than twelve inches thick. If of stone, the stones shall not be less than two by three feet, and at least eight inches in thickness for walls, and at least twelve inches wider than the bottom width of said walls, and not less than ten inches in thickness if under piers, columns or posts, and at least twelve inches wider on all sides than the bottom width of said piers, columns or posts. All base stones shall be well bedded, and laid crosswise, edge to edge. If stepped-up footings of brick are used in place of stone above the concrete, the steps, or offsets, if laid in single courses, shall not exceed one and one-half inches, or if laid in double courses, then each shall not exceed three inches, starting with the brickwork covering the entire width of the concrete, so as to properly distribute the load to be imposed thereon. If, in place of a continuous foundation wall, isolated piers are to be built to support the superstructure, where the nature of the ground and the character of the building make it necessary, inverted arches shall be turned between the piers, at least twelve inches thick and of the full width of the piers, and resting upon a continuous bed of concrete of sufficient area, and at least eighteen inches

thick, or two footing courses of large stone may be used, the bottom course laid crosswise, edge to edge, and the top course laid lengthwise, end to end, or one course of concrete and one of stone. The stone shall not be less than ten inches thick in each course, and the concrete shall not be less than eighteen inches thick, and the area of the lower course shall be equal to the area of the base course that would be required under a continuous wall, and the outside piers shall be secured to the second pier with suitable iron rods and plates. All stone walls twenty-four inches or less in thickness shall have at least one header extending through the wall in every three feet in height from the bottom of the wall, and in every four feet in length, and if over twenty-four inches in thickness shall have one header for every six superficial feet on both sides of the wall, and running into the wall at least two feet. All headers shall be at least eighteen inches in width and eight inches in thickness and consist of good flat stone. No stone shall be laid in such walls in any other position than on its natural bed.

§ 6. In buildings, where the space under the sidewalk is utilized, a sufficient stone or brick wall shall be built to retain the roadway of the street, and the side, end or party walls of such building shall extend under the sidewalk, of sufficient thickness, to such walls. The roofs of all vaults shall be of incombustible material. Openings in the roofs of vaults for the admission of coal or light shall be covered with lights of glass in iron frames, or with iron covers having a rough surface, and rabbited flush with the sidewalk; these lights shall not be more than four inches square. When areas are covered, iron, or iron and glass combined, stone or other incombustible materials shall be used, and sufficient strength in such covering shall be provided to insure safety to persons walking on the same, and to carry the loads which may be placed thereon. Open areas shall be properly protected with suitable railings.

§ 7. The party-walls of dwelling houses not over twenty feet in width and forty-five feet in depth and thirty-five feet in height, if built of brick, may be eight inches in thickness, but no eight-inch bearing wall shall be built below curb

level, and no front, side or rear wall shall be less than twelve inches in thickness. The walls of all dwelling houses, whether called tenement houses, apartment-houses, flats, hotels, or other buildings, which are to be used for residence purposes, twenty-six feet or less in width between bearing walls, and also the walls of school-houses, which are hereafter erected, or which may be altered to be used as herein specified, over thirty-five feet in height and not over fifty feet in height shall not be less than twelve inches thick above the foundation wall : but no wall shall be built having a twelve-inch thick portion measuring vertically more than fifty-feet. If over fifty feet in height, and not over sixty feet in height, the walls shall not be less than twelve inches thick above the basement, if a high-stoop house, and not less than sixteen inches thick in the first story, if not a high-stoop house. If over sixty feet in height, and not over seventy-five feet in height, the walls shall not be less than sixteen inches thick to the height of twenty-five feet, or to the nearest tier of beams to that height, and from thence not less than twelve inches thick to the top. If over seventy-five feet in height, and not over eighty-five feet in height, the walls shall not be less than twenty-inches thick to the height of twenty feet, or to the nearest tier of beams to that height, thence not less than sixteen inches thick to the height of sixty feet, or to the nearest tier of beams to that height, and from thence not less than twelve inches thick to the top. If over eighty-five feet in height, and not over one hundred feet in height, the walls shall not be less than twenty-four inches thick to the height of thirty-five feet, or to the nearest tier of beams to that height, thence not less than twenty inches thick to the height of seventy-five feet, or to the nearest tier of beams to that height, and from thence not less than sixteen inches thick to the top. If over one hundred feet in height, and not over one hundred and fifteen feet in height, the walls shall not be less than twenty-eight inches thick to the height of twenty-five feet, or to the nearest tier of beams to that height, thence not less than twenty-four inches thick to the height of fifty feet, or to the nearest tier of beams to that height, thence not less than twenty inches thick to the height of ninety feet, or, the nearest tier of beams

to that height, and from thence not less than sixteen inches thick to the top. If over one hundred and fifteen feet in height, each additional twenty-five feet in height or part thereof, next above the curb, shall be increased four inches in thickness, the upper one hundred and fifteen feet of wall remaining the same as specified for a wall of that height. All non-bearing walls of buildings hereinbefore in this section specified may be four inches less in thickness; provided, however, that none are less than twelve inches thick, except as hereinafter specified. Eight-inch brick partition walls may be built to support the beams in such buildings in which the distance between the walls is not over thirty-three feet, provided that no clear span is over twenty-six feet; but no such partition wall shall be built having an eight-inch thick portion measuring vertically more than fifty feet. This clause shall not be construed to prevent the use of iron or steel girders or iron or steel girders and columns, or piers of masonry, for the support of the walls and ceilings over any room which has a clear span of more than twenty-six feet between walls, in such buildings as are not fire-proof, nor to prevent the use of iron or steel girders and columns instead of brick partition walls, in fire-proof buildings for residences, constructed pursuant to the provisions of section fifteen. If the clear span is to be over twenty-six feet, then the bearing walls shall be increased four inches in thickness for every twelve and one-half feet, or part thereof, that said span is over twenty-six feet, or shall have instead of the increased thickness such piers or buttresses as in the judgment of the commissioner of buildings may be necessary.

§ 8. The walls of all warehouses, stores, factories and stables twenty five feet or less in width between walls or bearings, shall not be less than twelve inches thick, to the height of forty feet. If over forty feet in height and not over sixty feet in height, the walls shall not be less than sixteen inches thick to the height of forty feet, or to the nearest tier of beams to that height, and from thence not less than twelve inches thick to the top. If over sixty feet in height, and not over seventy-five feet in height, such walls shall not be less than twenty inches thick to the height of twenty-five

feet or to the nearest tier of beams to that height, and from thence not less than sixteen inches thick to the top. If over seventy-five feet in height, and not over eighty-five feet in height, such walls shall not be less than twenty-four inches thick to the height of twenty feet, or to the nearest tier of beams to that height: thence not less than twenty inches thick to the height of sixty feet, or to the nearest tier of beams to that height, and thence not less than sixteen inches thick to the top. If over eighty-five feet in height, and not over one hundred feet in height, such walls shall not be less than twenty-eight inches thick to the height of twenty-five feet, or to the nearest tier of beams to that height; thence not less than twenty-four inches thick to the height of fifty feet, or to the nearest tier of beams to that height; thence not less than twenty inches thick to the height of seventy-five feet, or to the nearest tier of beams to that height, and thence not less than sixteen inches thick to the top. If over one hundred feet in height, each additional twenty-five feet in height, or part thereof, next above the curb, shall be increased four inches in thickness, the upper one hundred feet of wall remaining the same as specified for a wall of that height. If there is to be a clear span of over twenty-five feet between such walls, the bearing walls shall be four inches more in thickness than is in this section specified for every twelve and one-half feet, or fraction thereof, that said walls are more than twenty-five feet apart, or shall have, instead of the increased thickness, such piers or buttresses as in the judgment of the commissioner of buildings may be necessary. All buildings, not excepting dwellings, that are over one hundred and five feet in depth, without a cross wall or proper piers or buttresses, shall have the side or bearing walls increased in thickness four inches more than is specified in the respective sections of this title for the thickness of walls for every one hundred and five feet, or part thereof, that said buildings are over one hundred and five feet in depth. In all stores, warehouses and factories over twenty-five feet in width between walls in which there shall be brick partition walls, or girders supported on iron or wooden columns or piers of masonry, the partition walls or girders shall be so placed that the space between any two

partition walls or girders shall not exceed twenty-five feet, and the iron or wooden columns or piers of masonry and girders shall be made of sufficient strength and size to bear safely the weight and any lateral strain to be imposed upon them. In case iron or wooden girders, supported by iron or wooden columns or piers of masonry are substituted in place of brick partition walls, the building may be seventy-five feet wide and two hundred and ten feet deep, and when the building is located on a corner it may be one hundred feet wide and one hundred and five feet deep, but not wider or deeper except in case of fireproof buildings, which may be constructed as hereinafter provided. In case the walls of any building are less than twenty-five feet apart, and less than forty feet in depth, or there are cross walls which intersect the walls, not more than forty feet distant or between the same, or piers or buttresses built into the walls, the interior walls may be reduced in thickness in just proportion to the number of cross walls, piers or buttresses, and their nearness to each other; provided, however, that this clause shall not apply to walls below sixty feet in height, and that no such wall shall be less than twelve inches thick at the top, and gradually increased in thickness by set-off to the bottom. The commissioner of buildings is hereby authorized and empowered to decide (except where herein otherwise provided) according to the peculiar circumstances of each case, without endangering the strength and safety of the building, how much the walls herein mentioned may be permitted to be reduced in thickness.

§9. The walls of churches, theaters, foundries, machine shops, car or stage-houses, armories, public markets not over two stories in height, and other buildings of a public character, shall not be less than is in this title specified for warehouses, with such piers or buttresses as in the judgment of the commissioner of buildings may be necessary to make a safe and substantial building. One-story structures not exceeding a height of fifteen feet may be built with eight-inch walls when the bearing walls are not more than nineteen feet apart and the length of the eight-inch bearing walls does not exceed fifty-five feet. Curtain walls of brick, built in between iron

or steel columns, and supported wholly or in part on iron or steel girders, shall not be less than twelve inches thick for fifty feet of the uppermost height thereof, or to the nearest tier of beams to that measurement in any building so constructed, and every lower section of fifty feet, or to the nearest tier of beams to such vertical measurement, or part thereof, shall have a thickness of four inches more than is required for the section next above it down to the tier of beams nearest to the curb level, and thence downwardly, the thickness of walls shall increase in the ratio hereinbefore prescribed for foundation walls.

§ 10. In all walls the same amount of materials may be used in piers or buttresses. Curtain walls may be made four inches less in thickness than is specified, respectively, for walls of dwellings and buildings other than dwellings, but no curtain walls shall be less than twelve inches thick. If any horizontal section through any part of any bearing wall in any building shows more than twenty-five per centum area of flues and openings the said wall shall be increased four inches in thickness for every ten per centum, or fraction thereof, of flue or opening area in excess of twenty-five per centum. Every pier built of brick containing less than nine superficial feet at the base, supporting any beams, girders, arch or column on which a wall rests, or lintel spanning an opening over ten feet, and supporting a wall shall, at intervals of not over thirty-six inches apart in height, have built into it a bond stone not less than four inches thick, or a cast-iron plate of sufficient strength and the full size of the piers. All piers shall be built of stone or good, hard, well-burnt brick, laid in cement mortar. For piers fronting on the street the bond stones may conform with the kind of stone used for the trimmings of the front. Isolated brick piers shall not exceed in height eight times their least dimensions. Stone posts for the support of posts or columns above shall not be used in the interior of any building. Where walls or piers are built of coursed stones with dressed level beds and vertical joints, the commissioner of buildings shall have the right to allow such walls or piers to be built of a less thickness than specified for brick work, but in no case, shall said walls or piers be

less than three quarters of the thickness provided for brickwork. All bearing walls faced with brick laid in running bond shall be four inches thicker than the walls are required to be under any section of this title. In all brick walls every sixth course shall be a heading course, except where walls are faced with brick in running bond, in which latter case every sixth course shall be bonded into the backing by cutting the course of the face brick, and putting in diagonal headers behind the same, or by splitting the face brick in half and backing the same with a continuous row of headers. All stone used for the facing of any building and known as ashlar, shall not be less than four inches thick. Stone ashlar shall be anchored to the backing and the backing shall be of such thickness as to make the walls independent of the ashlar, conform as to the thickness with the requirements of this title relating to thickness of walls. Iron ashlar plates used in imitation of stone ashlar on the face of the wall shall be backed up with the same thickness of brick work as stone ashlar. Walls heretofore built for or used as party-walls, whose thickness at the time of their erection was in accordance with the requirements of the then existing laws, but which are not in accordance with the requirements of this title, may be used, if in good condition, for the ordinary uses of party-walls, provided the height of the same be not increased. In case it is desired to increase the height of existing party or independent walls, which walls are less in thickness than required under this title, the same shall be done by a lining of brickwork to form a combined thickness with the old walls of not less than four inches more than the thickness required for a new wall corresponding with the total height of the wall when so increased in height. The said lining shall be supported on proper foundations and carried up to such heights as the commissioner of buildings may require. No lining shall be less than eight inches in thickness, and all linings shall be laid up in cement mortar and thoroughly anchored to the old brick walls with suitable wrought-iron anchors placed two feet apart and properly fastened or driven into the old walls in rows alternating vertically and horizontally with each other, the old walls being first cleaned of plaster or other coatings where any

lining is to be built against the same. In no case shall any wall or walls of any buildings be carried up more than two stories in advance of any other wall, except by permission of the commissioner of buildings. The front, rear, side and party-walls shall be properly bonded together or anchored to each other every four feet in their height by wrought-iron tie anchors not less than one and one-half inches by three-eighths of an inch in size. The side anchors shall be built into the side or party-wall not less than sixteen inches, and into the front and rear walls, so as to secure the front and rear walls to the side or party walls when not built and bonded together. The walls and beams of every building, during the erection or alteration thereof, shall be strongly braced from the beams of every story, and when required shall also be braced from the outside until the building is inclosed. The roof tier of wooden beams shall be safely anchored with plank or joist to the beams of the story below until the building is inclosed.

§ 11. The walls of all buildings below the curb level, or the first tier of floor beams nearest thereto, shall be laid in cement mortar. The backing up of all stone ashlar shall also be laid in cement mortar, but this shall not prevent the par-getting of the back of the stone ashlar with lime mortar. All other walls that are built of brick or stone shall be laid in lime mortar or cement mortar, or lime and cement mortar mixed. In all walls that are built hollow the same quantity of stone or brick shall be used in their construction as if they were built solid, as in this title provided; and no hollow walls shall be built unless the parts of the same are connected by proper ties of brick, stone or iron, placed not over twenty-four inches apart. The inside four inches of all walls may be built of hard-burnt hollow clay or porous terra cotta blocks, of the dimensions of ordinary bricks, properly tied and bonded, as is hereinbefore provided with respect to brick walls. All exterior and division or party walls over fifteen feet high, excepting where such walls are to be finished with cornices, gutters or crown moldings, shall have parapet walls carried one foot above the roof, and shall be coped or covered with stone, well-burnt terra cotta, cast-iron or other metal.

Recesses for stairs and elevators may be left in the foundation or cellar walls of all buildings, but in no case shall the walls be of less thickness than the walls of the third story, unless reinforced by additional piers with iron girders, or iron columns and girders, securely anchored to the walls on each side. No chase for water or other pipes shall be made in any pier and in no wall more than one-half of its thickness, and the chase around said pipe or pipes shall be filled up with solid masonry for the space of one foot at the top and bottom of each story. Recesses for alcoves and similar purposes shall not be deeper than eight inches, and in no case shall there be less than eight inches of brick-work at the back of such recesses, provided that such recesses shall not be more than eight feet in width, and shall be arched over and not carried up higher than eighteen inches below the bottom of the beams of the floor next above. The aggregate area of recesses in any wall shall not exceed one-fourth of the whole area of the face of the wall on any story, nor shall any such recess be made within a distance of six feet from any other one in the same wall. In all furred walls the course of brick above the under side, and below the top of each tier of floor beams, shall project the thickness of the furring to more effectually prevent the spread of fire. The walls and piers of all buildings shall be properly bonded and solidly put together with close joints filled with mortar. They shall be built to a line, and be carried up plumb and straight. The walls of each story shall be built up the full thickness to the top of the beams above. All brick laid in non-freezing weather shall be well wet immediately before being laid. Walls or piers, or parts of walls and piers, if frozen shall not be built upon. The sand used for mortar in all buildings shall be clean, sharp sand, and shall not be finer than the standard samples kept in the office of the commissioner of building. The brick used in all buildings shall be good, hard, well-burnt brick. Cement mortar shall be made of sand and cement in the proportion of not more than three parts of sand to one part of cement, and shall be used immediately after being mixed. Lime mortar shall be made of not more than four parts of sand to one part of lime, and shall not be used before being thoroughly slacked. Cement

and lime mortar shall be made of one part of lime and one part of cement, and three parts of sand. Concrete for foundation shall be made of one part of cement, two parts of sand and five parts of small, clean, broken stone, all carefully mixed, or one-half of the five parts may be clean gravel and the other half small broken stone. In every building more than three stories in height hereafter erected, all the walls or partitions forming interior light or vent shafts, shall be built of brick, or such other fire proof materials as may be approved by the commissioner of buildings. The ceiling over every cellar or lowest floor in dwelling-houses more than four stories in height, when the beams are of wood, shall be lathed with wire or metal lath and plastered thereon with two coats of brown mortar of good materials. When wood wainscoting is used in any building hereafter erected, the surface of the wall or partition behind such wainscoting and on all furred walls or stud partitions, shall be plastered down to the floor line.

§ 12. Openings for doors and windows in all buildings except as otherwise provided, shall have good and sufficient arches of stone, brick or terra cotta, well built and keyed with good and sufficient abutments, or lintels of stone as follows: For an opening not more than four feet in width, the lintel shall not be less than eight inches in height; for an opening not more than six feet in width, the lintel shall not be less than twelve inches in height; for an opening exceeding in width, six feet and not more than eight feet in width, the lintel shall be the full thickness of the wall to be supported, and not less than fifteen inches in height. Every stone lintel over such openings, six feet or less in width, in all walls, shall not be less than four inches thick, and shall have a bearing at each end of not less than five inches in the walls. On the inside of all openings in which the stone lintel shall be less than the thickness of the wall to be supported, there shall be a good timber lintel on the inside of the stone lintel which shall rest at each end not more than three inches on any wall, and shall be chamfered at each end and shall have a double row-lock or bonded arch turned over the timber lintel, or the inside lintel may be of cast-iron, and in such case, stone

blocks or cast-iron plates shall not be required at the ends where the lintel rests on the walls, provided the openings are not more than six feet in width.

§ 13. The height of all the walls shall be measured from the curb level at the center of the building to the top of the highest point of the roof-beams in the case of flat roofs, and for high pitched roofs the average of the height of the gable shall be taken as the highest point of the wall. In case the wall is carried on iron girders, or iron girders and columns or piers of masonry, the measurement as to height may be taken from the top of such girder. When the walls of a structure do not join the street, then the average level for the ground adjoining the walls may be taken instead of the curb level for the height of such structure. The width of buildings for the purpose of this title may be determined by the way the beams are placed. The lengthwise of the beam may be considered and taken to be the widthwise of the building and the bearing walls are those walls on which the beams or trusses rest. Eight-inch brick and six-inch and four-inch hollow tile partition walls of hard-burnt clay or porous terra cotta may be built not exceeding in their vertical portions a measurement of fifty, thirty-six and twenty feet respectively, and in their horizontal measurement a length not exceeding seventy-five feet, unless strengthened by proper cross walls, piers or buttresses. All such walls are to be carried on proper foundations or on iron girders, or iron girders and columns, or piers of masonry. One line of fore and aft partitions in the cellar, supporting stud partitions above in all buildings over eighteen feet between bearing walls in the cellar, hereafter erected, shall be constructed of brick not less than eight inches thick, or piers of brick with openings arched over below the under side of the first tier of beams, or girders of iron or steel and iron or steel columns, or piers of masonry, may be used: or if iron or steel floor beams spanning the distance between bearing walls are used of adequate strength to support the stud partitions above, in addition to the floor load, to be sustained by the said iron or steel beams, then the fore and aft brick partition or its equivalent may be omitted.

Fore and aft stud partitions, and such other main stud partitions as may be required by the commissioner of buildings, which may be placed in the cellar or lowest story of any building, shall have good, solid stone or brick foundation walls under the same, which shall be built up to the top of the floor beams or sleepers, and the sills of said partitions shall be of locust, or other suitable hard wood, but if the walls are built five inches higher of brick than the top of the floor beams or sleepers, any wooden sill may be used on which the studs shall be set. Fore and aft stud partitions that rest directly over each other shall run between the wooden floor beams and rest on the plate of the partition below, and shall have the studding filled in solid between the uprights to the depth of the floor beams with suitable incombustible materials. All girders supporting the first tier of wooden beams in buildings shall be supported by brick piers or iron, locust or other suitable hard wood posts of sufficient strength on proper foundations.

§ 14. In every building used as a dwelling-house, tenement-house, apartment-house or hotel each floor shall be of sufficient strength in all its parts to bear safely upon every superficial foot of its surface seventy pounds. If to be used for office purposes, not less than one hundred pounds upon every superficial foot. If to be used as a place of public assembly, including school-houses, one hundred and twenty pounds. If to be used as a store, factory, warehouse, or for any other manufacturing or commercial purpose, one hundred and fifty pounds and upwards upon every superficial foot. Every floor shall be of sufficient strength to bear safely the weight to be imposed thereon in addition to the weight of the materials of which the floor is composed. The roofs of all buildings shall be proportioned to bear safely fifty pounds upon every superficial foot of their surface, in addition to the weight of materials composing the same. Every column, post or other vertical support shall be of sufficient strength to bear safely the weight of the portion of each and every floor depending upon it for support in addition to the weight required, as before stated, to be supported safely upon said portions of said floor. The dimensions of each piece, or combination

of materials required, shall be ascertained by computation, according to the rules given in Haswell's mechanics' and engineers' pocketbook, except as may be otherwise provided for in this title. The strength of all columns and posts shall be computed according to Gordon's formula, and the crushing weights in pounds to the square inch of section, for the following named materials, shall be taken as the co-efficient in the said formula, namely: Cast-iron, eighty thousand pounds; rolled steel, forty-eight thousand pounds; wrought-iron or rolled iron, forty thousand pounds; American oak, six thousand pounds; pitch or Georgia pine, five thousand pounds; white pine and spruce, thirty-five hundred pounds. The breaking strength of wooden beams and girders shall be computed according to the formula, in which the constants for transverse strains for central loads shall be as follows, namely: Hemlock, four hundred pounds; white pine, four hundred and fifty pounds; pitch or Georgia pine, five hundred and fifty pounds; American oak, five hundred and fifty pounds; spruce, four hundred and fifty pounds. For wooden beams and girders carrying a uniformly distributed load the constants will be doubled. The factors of safety shall be as one to four for all beams, girders and other pieces subject to a transverse strain; as one to four for all posts, columns and other vertical supports when of wrought iron or rolled steel; as one to five for other materials subject to a compressive strain; as one to six for tie-rods, tie-beams and other pieces subject to a tensile strain. Good, solid natural earth shall be deemed to safely sustain a load of four tons to the superficial foot, or as otherwise determined by the commissioner of buildings. The width of footing courses shall be at least sufficient to meet this requirement. In computing the weight of walls, a cubic foot of brickwork shall be deemed to weigh one hundred and fifteen pounds; sandstone, white marble, granite and other kinds of building stone shall be deemed to weigh one hundred and sixty pounds per cubic foot. The safe bearing load to apply in good brickwork shall be taken at eight tons per superficial foot when good lime mortar is used; eleven and one-half tons per superficial foot when good lime and cement mortar mixed is used; fifteen tons per superficial foot when good cement mortar is used. Every

temporary support placed under any structure, wall, girder or beam during the erection, finishing, alteration or repairing of any building or structure, or any part thereof, shall be of sufficient strength to safely carry the load to be placed thereon. In all warehouses, storehouses, factories, workshops and stores where heavy materials are kept or stored, or machinery introduced, the weight that each floor will safely sustain upon each superficial foot thereof shall, within ninety days after the passage of this act, be estimated by the owner or occupant, or by a competent person employed by the owner or occupant. Such estimate shall be reduced to writing, stating the materials, size, distance apart and span of beams and girders, posts or columns to support floors, and its correctness shall be sworn to by the person making the same, and it shall thereupon be filed in the office of the department of buildings. But if the commissioner of buildings shall have cause to doubt the correctness of said estimate, he is empowered to revise and correct the same, and for the purpose of such revision the officers and employes of the said department of buildings may enter any building and remove so much of any floor, or other portion thereof, as may be required to make necessary measurements and examinations. When the correct estimate of the weight that the floors in any such building will safely sustain, has been ascertained, as herein provided, the commissioner of buildings shall approve the same, and thereupon the owner or occupant of said building, or of any portion thereof, shall post a copy of such approved estimate in a conspicuous place on each story of the building to which it relates. Before any building hereafter erected is occupied and used, in whole or in part, for any of the purposes aforesaid, and before any building erected prior to the passage of this act, but not at such time occupied for any of the aforesaid purposes, is occupied or used, in whole or in part, for any of said purposes, the weight that each floor will safely sustain upon each superficial foot thereof shall be ascertained and posted as hereinbefore required. The weights placed on any floor in any building shall be safely distributed thereon. The commissioner of buildings may require the owner or occupant of any building, or portion thereof, to redistribute the load on any

floor, or to lighten such load as he may direct where he may deem the same to be necessary for the protection of life and property. No person shall place, or cause or permit to be placed on any floor of any building any greater load than the safe load thereof, as estimated and ascertained as herein provided. Any expense necessarily incurred in removing any floor, or other portion of any building for the purpose of making any examination herein provided for, shall be paid by the comptroller of the City of Brooklyn, upon the requisition of the commissioner of buildings, out of any fund paid over to him, under the provisions of this title, and if there be no such fund, then out of the revenue fund. Such expenses shall be a charge against the person or persons by whom, or on whose behalf, said estimate was filed in the office of the department of buildings, and shall be collected in an action to be brought in the name of the City of Brooklyn, against said person or persons, and the sum so collected shall be paid over to said comptroller to be deposited in reimbursement of the amount paid as aforesaid.

§ 15. Every building hereafter erected or altered to be used in whole or in part as a hotel, theatre, hospital, asylum, institution for the care or treatment of persons, the height of which exceeds thirty-five feet, and every other building the height of which exceeds eighty-five feet, shall be built fire-proof, except buildings, the plans and specifications for which have heretofore and within thirty days immediately prior to the passage of this act been approved by the commissioner of buildings. They shall be constructed with walls of brick, stone, iron or other hard, incombustible materials, in which wooden beams or lintels shall not be placed and in which the floors and roofs shall be of materials similar to the walls. The stairs and stair case landings shall be built entirely of brick, stone, iron or other hard incombustible materials. No woodwork or other inflammable material shall be used in any of the partitions, furrings or ceilings in any such fire-proof buildings, excepting, however, that the doors and windows and their frames, the trims, the casings, the interior finish, when filled solid at the back with fire-proof materials, and the floor boards and sleepers directly thereunder may be

of wood. But nothing in this section contained shall be so construed as to apply to or prevent the erection of what are known as grain elevators, as usually constructed, provided they are erected on tide water or adjacent to the river front in said city, in isolated localities under such conditions as the said commissioner of buildings may prescribe, including location. In all fire-proof buildings the following rules shall be observed: All cast-iron, wrought-iron, or rolled steel columns shall be made true and smooth at both ends, and shall rest on iron or steel bed plates, and have iron or steel cap plates, which shall also be made true. All iron or steel trimmer beams, headers and tail beams, shall be suitably framed and connected together, and the iron girders, columns, beams, trusses and all other iron work of all floors and roof shall be strapped, bolted, anchored and connected together, and to the walls, in a strong and substantial manner. Where beams are framed into headers, the angle irons which are bolted to the tail beams, shall have at least two bolts for all beams over seven inches in depth, and three bolts for all beams twelve inches and over in depth, and these bolts shall not be less than three-quarters of an inch in diameter. Each one of such angle or knees, when bolted to girders, shall have the same number of bolts as stated for the other leg. The angle-iron in no case shall be less in thickness than the header or trimmer to which it is bolted, and the width of the angle in no case shall be less than one-third of the depth of beam, excepting that no angle-knee shall be less than two and one-half inches wide, nor required to be more than six inches wide. All wrought-iron or rolled-steel beams eight inches deep and under, shall have bearings equal to their depth, if resting on a wall; nine to twelve inch beams shall have a bearing of ten inches, and all beams more than twelve inches in depth shall have bearings of not less than twelve inches, if resting on a wall. Where beams rest on iron supports and are properly tied to the same, no greater bearings shall be required than one-third of the depth of the beams. Iron or steel floor beams shall be so arranged as to spacing and length of beams that the load to be supported by them, together with the weights of the materials used in the construction of said floors, shall not cause a deflection of

the said beams of more than one-thirtieth of an inch per linear foot of span, and they shall be tied together at intervals of not more than eight times the depth of the beams. Under the ends of all iron and steel beams where they rest on the walls, stone or iron templates shall be built into the walls. Said templates shall be eight inches wide in twelve-inch walls, and in all walls of greater thickness said templates, shall be twelve inches wide, and such templates, if of stone, shall not be in any case less than five inches in thickness, and no template shall be less than twelve inches long. All brick or stone arches placed between iron or steel floor beams shall be at least four inches thick, and have a rise of at least one inch to each foot of span between the beams. Arches of over five feet span shall be properly increased in thickness, as required by the commissioner of buildings. Or the space between the beams may be filled in with sectional hollow brick of hard-burnt clay, porous terra cotta or some equally good fire-proof material, having a depth of not less than one and one-quarter inches to each foot of span, a variable distance being allowed of not over six inches in the span between the beams. The said brick arches shall be laid on the centers, with close joints, and the bricks shall be well wet and the joints filled with cement mortar, in proportions of not more than two of sand to one of cement, by measure. The arches shall be well grouted and properly keyed. The bottom flanges of all wrought-iron or rolled-steel floor beams, and all exposed portions of such beams below the abutments of the floor arches, shall be entirely incased with hard-burnt clay or porous terra cotta, or with wire or metal lath properly secured, and plastered on the under side. All iron or steel lintels shall have bearings proportionate to the weight to be imposed thereon, but no lintel used to span any opening more than ten feet in width shall have a bearing less than twelve inches at each end, if resting on a wall, but if resting on an iron post such lintel shall have a bearing of at least six inches at each end by the thickness of the wall to be supported. If the posts are to be party posts in front of a party wall, and are to be used for two buildings, then the said post shall not be less in width than the thickness of the party wall, nor less in depth than

the thickness of the wall to be supported. Intermediate posts may be used which shall be sufficiently strong, and the lintels thereon shall have sufficient bearings to carry the weight above with safety, as in this title provided. When the lintels or girders are supported at the end by brick walls or piers, they shall rest upon cut granite or bluestone blocks at least twelve inches thick, or upon cast-iron plates of equal strength by the full size of the bearing. In case the opening is less than twelve feet, the stone blocks may be six inches in thickness, or cast-iron plates of equal strength by the full size of the bearings may be used. This requirement shall not apply to cast-iron lintels used at the back of the stone lintels over openings not exceeding six feet in width. In all cases where the girder carries the wall and rests on brick piers or walls, the bearings shall be sufficient to support the weight above with safety. No cast-iron lintel or beam shall be less than three-quarters of an inch in thickness in any of its parts. Iron beams or girders used to span openings more than sixteen feet in width, upon which walls rest or upon which floor beams are carried, shall be of wrought-iron or rolled steel, and of sufficient strength. All lintels or girders placed over any openings in the front, rear or side of a building or returned over a corner opening, where supported by brick or stone piers or iron columns, shall be of iron or steel and of the full breadth of the wall supported. in all buildings hereafter erected or altered, where any iron or steel column or columns are used to support a wall, or part thereof, whether the same be an exterior or an interior wall, excepting a wall fronting on a street and columns located below the level of the sidewalk, which are used to support exterior walls or arches over vaults, the said column or columns shall be either constructed double, that is, an outer and inner column, the inner column alone to be of sufficient strength to sustain safely the weight to be imposed thereon, or such other iron or steel column of sufficient strength, and so constructed as to secure resistance to fire, may be used as may be approved by the commissioner of buildings. Cast-iron posts or columns which are to be used for the support of wooden or iron girders or brick walls, not cast with one open side or back, before being set up in place, shall each

have a three-eighths of an inch hole drilled in the shaft of post or column by the manufacturer or contractor furnishing the same, to exhibit the thickness of the castings, and any other similar-sized hole or holes which the commissioner of buildings or his duly authorized representative may require, shall be drilled in the said posts or columns by the said manufacturer or contractor at his own expense. All iron posts or columns in front of party walls shall be filled up solid with masonry, and made perfectly tight between the posts and walls, to prevent the passage of smoke or fire. Iron posts or columns cast with one or more open sides and backs shall have solid iron plates on top of each, to prevent the passage of smoke or fire through them from one story to another, excepting where pierced for the passage of pipes. No cast-iron post or column shall be used in any building of a less average thickness of shaft than three-quarters of an inch. Nor shall it have an unsupported length of more than twenty times its least lateral dimensions or diameter. No wrought iron or rolled-steel column shall have an unsupported length of more than thirty times its least lateral dimensions or diameter. Nor shall its metal be less than one-fourth of an inch in thickness. All cast-iron, wrought-iron or rolled-steel columns shall have their bearings faced smooth, and at right angles to the axis of the column. And when one column rests on another column, they shall be securely bolted together. Where columns are used to support iron or steel girders carrying curtain walls, the said columns shall be of cast-iron, wrought-iron or rolled-steel, and on their exposed outer and inner surface be constructed to resist fire by having a casing of brickwork not less than four inches in thickness or other fire-proof material and bonded into the brickwork of the curtain wall, or the inside surface of the said column may be covered with an outer shell of iron, having an air space between, and the exposed sides of the iron and steel girders shall also be similarly covered in and tied and bonded. When the thickness of the curtain walls is twelve inches the girders for the support of the same shall be placed at the floor line of each story, commencing at the line where the thickness of twelve inches starts, and when the thickness of such walls is sixteen inches, the girders shall

be placed not further apart than every other story at the floor line, commencing where the thickness of sixteen inches starts, provided that at the intermediate floor line a suitable tie of iron or steel shall rigidly connect the columns together horizontally, and that the ends of the floor beams do not rest on the said sixteen-inch walls. When the curtain walls are twenty inches or more in thickness, and rests directly on the foundation walls, the ends of the floor beams may be placed directly thereon, but at or near the floor line of each story ties of iron or steel incased in the brickwork shall rigidly connect the columns together horizontally. If galvanized iron is used as part of the front of any building, it shall be thoroughly braced and anchored with iron and the wall or backing or filling shall conform as to thickness to the requirements of this title for backing up of ashlar and filling in of iron fronts. The iron arches, or the usual light castings connecting the columns of an iron front of a building, shall be filled in from the soffits to the sills on each upper story with brickwork not less than eight inches thick, or hollow burnt clay blocks not less than eight inches thick, and carried through the open back columns to the same upper level, the brickwork or blocks to rest on the plates within the columns. Rolled iron or steel beam girders, or riveted iron or steel plate girders used as lintels or as girders carrying a wall or floor, or both, shall be so proportioned that the loads which may come upon them shall not produce strains in tension or compression upon the flanges of more than twelve thousand pounds for iron, nor more than fifteen thousand pounds for steel per square inch of the gross section of each flange, nor a shearing strain upon the web-plate of more than six thousand pounds per square inch of section of such web-plate, if of iron: nor more than seven thousand pounds, if of steel, but no web shall be less than one-quarter of an inch in thickness. Rivets, in plate girders shall not be less than five-eighths of an inch in diameter, and shall not be spaced more than six inches apart, in any case. They shall be so spaced that their shearing strain shall not exceed nine thousand pounds per square inch of section, nor their bearing exceed fifteen thousand pounds per square inch on their diameter multiplied by the thickness of the plates

through which they pass. The riveted plate-girders shall be proportioned upon the supposition that the bending or cord strains are resisted entirely by the upper and lower flanges, and that the shearing strains are resisted entirely by the web-plate. No part of the web shall be estimated as flange area, nor more than one-half of that portion of the angle-iron which lies against the web. The distance between the centers of gravity of the flange area will be considered as the effective depth of the girder. Before any girder, as before mentioned, to be used in any building shall be so used, the architect or the manufacturer of, or contractor for it, shall, if required so to do by the commissioner of buildings, submit for his examination and approval, a diagram showing the loads to be carried by said girder and the strains produced by such load, and also showing the dimensions of the materials of which said girder is to be constructed to provide for the said strains. The manufacturer or contractor shall cause to be marked upon said girders, in a conspicuous place, the weight said girder will sustain, and no greater weight than that marked on such girder shall be placed thereon.

§ 16. Before any iron or steel beam, lintel or girder, intended to span an opening over ten feet in length in any building shall be used for supporting a wall, the manufacturer or founder thereof, or the owner of said building shall have the said beam, lintel or girder inspected, and, if required by the commissioner of buildings, shall have the same tested by actual weight or pressure thereon, under the direction and supervision of an inspector authorized by the commissioner of buildings. Said manufacturer, founder or owner shall notify the commissioner of buildings in writing of the time when and the place where said inspection and test may be made, and said inspector shall cause the weight which each of said beams, lintels or girders will safely sustain, to be properly stamped or marked in a conspicuous place thereon, and no greater weight shall be put or placed upon any beam, lintel or girder than that stamped or marked thereon by said inspector. The deflection of a cast-iron beam, lintel or girder under an applied test of double the weight to be carried shall not exceed one-fiftieth of an inch to the foot of span, and said

beam, lintel or girder shall return to its original shape after the test. In case any iron or steel girder, beam, or lintel, or any iron or steel column shall be rejected by said inspector as unfit or insufficient to be used for the purpose proposed, the same shall not be used for such purpose, in or upon or about any building or part thereof. All iron work or steel work used in any building shall be of the best material and made in the best manner, and properly painted with oxide of iron and linseed oil paint, before being placed in position, or coated with some other equally good preparation, or suitably treated for preservation against rust.

§ 17. All wooden beams and other timbers in the party-wall of every building built of stone, brick or iron, shall be separated from the beam or timber entering in the opposite side of the wall by at least four inches of solid mason work. No wooden floor beams nor wooden roof beams used in any building other than a frame building hereafter erected shall be of a less thickness than three inches, except in dwelling-houses not exceeding fifteen feet wide. All wooden trimmer and header beams shall not be less than one inch thicker than the floor or roof beams on the same tier, where the header is four feet or less in length; nor in any case less than four inches in thickness. Where the header is more than four feet and not more than fifteen feet in length, the trimmer and header beams shall be at least double the thickness of the floor or roof beams or shall be made of two beams forming such thickness, properly spiked or bolted together. When the header is more than fifteen feet in length, wrought-iron flitch plates of proper thickness and depth shall be placed between two wooden beams, suitably bolted together to and through the iron plates in constructing the trimmer and header beams, or wrought-iron or rolled-steel beams of sufficient length may be used. Every wooden beam, except header and tail beams, shall rest at one end four inches in the wall, or upon a girder as authorized by this title. Every wooden header or trimmer more than six feet long used in any building shall be hung in stirrup irons of suitable thickness for the size of the timber. No timber shall be used in any wall of any building

where stone, brick or iron is commonly used, except lintels as herein provided, and brace blocks. The ends of all wooden floor and roof beams, where they rest on brick walls, shall be cut to a bevel of three inches on their depth. All wooden beams shall be trimmed away from all flues, whether the same be a smoke, air or any other flue, the trimmer-beam to be eight inches from the inside face of the flue in a straight way, and four inches from the outside of a chimney breast, and the header two inches from the outside face of the flue. All fire-places shall have trimmer arches to support hearths, and the said arches shall be at least sixteen inches in width, measured from the face of the chimney breast, and shall be constructed of brick, stone or burnt clay. The length of trimmer arch shall be in no case less than the width of the breast. Each tier of beams shall be anchored to the side, front, rear or party-walls at intervals of not more than six feet apart, with good, strong wrought-iron anchors of not less than one and one-half inches by three-eighths of an inch in size, well-fastened to the sides of the beams by two or more nails made of wrought-iron at least one-fourth of an inch in diameter, or such other kind of anchor the commissioner may approve. Where the beams are supported by girders the girders shall be anchored to the walls and fastened to each other by suitable iron straps. The ends of beams resting upon girders shall be butted together, end to end, and strapped by wrought-iron straps of the same size and distance apart, and in the same beam as the wall anchors, and shall be fastened in same manner as said wall anchors, or they may lap each other at least twelve inches and be well-spiked or bolted together where lapped. Every pier and wall, front or rear, shall be well anchored to the beams of each story with the same size anchors as are required for side walls, which anchors shall hook over at least the second beam. Each tier of beams, front or rear, opposite each pier, shall have hard wood or Georgia pine anchor strips dove tailed into the beams diagonally, which strips shall cover at least four beams and be one inch thick and four inches wide, but no such anchor strip shall be let in within four feet of the center line of the beam, or wooden strips shall be nailed on the top of the beams and kept in place until the floors are

being laid. All timbers and wooden beams used in any building shall be of good, sound material, free from rot, large and loose knots, shakes or any imperfection whereby the strength may be impaired, and be of such size and dimensions as the purpose for which the building is intended may require.

§ 18. All fireplaces and chimneys in stone or brick walls in any building hereafter erected, except as herein otherwise provided, and any chimney or flues hereafter altered or repaired, without reference to the purpose for which they may be used, shall have the joints struck smooth on the inside. No pargetting mortar shall be used on the inside of any chimney or flue. The fire backs of all fireplaces hereafter erected shall be not less than eight inches in thickness of solid masonry. The stone or brickwork of all chimney shafts of furnaces, boilers, bakers' ovens, cooking ranges, laundry stoves and heating furnaces, and all flues used for a similar purpose shall be at least eight inches in thickness. If there is a cast iron or burnt clay pipe built inside of the same with one-inch air space all around it, then the stone or brick work inclosing such pipes shall not be less than four inches in thickness. All smoke flues of smelting furnaces, or of steam boiler or other apparatus which heat the flues to a high temperature shall be built with double walls with an air space between them, the inside four inches to be of fire-bricks or fire-clay slabs, or blocks laid in fire mortar to the height of twenty-five feet from the bottom. All smoke flues shall extend at least three feet above the roof, and on all buildings other than private dwelling houses, three stories or less in height, shall be coped with well burned terra cotta, stone or cast iron. All stone or brick hot-air flues and shafts shall be lined with tin, galvanized iron or burnt clay pipes. No wood casing, furring or lath shall be placed against or cover any smoke flue or metal pipe used to convey hot air or steam. No smoke pipe shall pass through any floor or any roof of any building. No stovepipe in any building with wooden or combustible floors, ceilings or partitions, shall enter any flue unless the said pipe shall be at least twelve inches from either the said floors, ceilings or partitions, unless the same is prop-

erly protected by a metal shield, in which case the distance shall not be less than six inches. In all cases where stove-pipes pass through stud or wooden partitions or furred walls of any kind, they shall be guarded by either a double collar of metal, with at least three inches of air space and holes for ventilation, or by a soapstone or burnt clay ring not less than three inches in thickness and extending through the partitions. Where laundry stoves, hot water, steam, hot air or other furnaces are used in any building, the smokepipe leading therefrom must be kept not less than eighteen inches from the floor beams or ceiling, unless the same is properly protected by a metal shield, when the distance shall not be less than nine inches. In all cases where such pipe passes through a wood or stud partition it shall be protected by a thimble with eight inches of brickwork around it, or a double collar of metal with at least six inches air space and holes for ventilation. Tin or other metal flues, or pipes used or intended to be used to convey heated air, shall be inclosed with brick or stone at least four inches in thickness, or other hard incombustible materials. Horizontal pipes and hot-air pipes in stud partitions shall be built in the following manner: The pipes shall be double, that is, two pipes, one inside the other, at least one-half inch apart, and there shall be a space of three inches between the pipes and stud on each side; the inside faces of the said stud shall be well lined with tin plate and the outside faces covered with iron, lath or slate. No hot-air pipe shall be allowed in any stud partition unless said partition shall be at least eight feet distant in a horizontal direction from the furnace. Horizontal hot-air pipes shall be kept six inches below the floor beams or ceiling; if the floor beams or ceiling are plastered and protected by a metal shield, then the distance shall not be less than three inches. In cases where hot-air pipes pass through a wood or stud partition, they shall be guarded by either a double collar of metal, with two inches air space and holes for ventilation, or they shall be surrounded by brick work at least four inches in thickness. All flues in every building shall be properly cleaned, and all rubbish removed and the flues left smooth on the inside upon the completion of all buildings. No chimney shall be started or built upon any floor or beam of wood. In

no case shall a chimney be corbeled out more than eight inches from the wall, and in all such cases the corbeling shall consist of at least five courses of brick, but no corbeling shall be allowed in eight-inch walls. Where chimneys are supported by piers, the piers shall start from the foundation on the same line with the chimney breast, and shall be not less than twelve inches on the face properly bonded into the wall. No chimney shall be cut off below, in whole or in part and supported by wood, but shall be wholly supported by stone, brick or iron. All chimneys which shall be dangerous in any manner whatever shall be repaired and made safe or taken down. Iron cupola chimneys of foundries shall extend at least ten feet above the highest point of any roof within a radius of fifty feet of such cupola, and be covered on top with a heavy wire netting.

§ 19. No steam pipe shall be placed within two inches of any timber or woodwork unless the timber or woodwork is protected by a metal shield, then the distance shall not be less than one inch. All steam pipes passing through floors and ceilings, or lath and plastered partitions shall be protected by a metal tube one inch larger in diameter than the pipe, and the space shall be filled with mineral wood, asbestos or other incombustible materials. All wooden boxes or casings inclosing steam pipes and all covers to recesses shall be lined with iron or tin plate. All brick hot-air furnaces shall have two covers, with an air space of at least four inches between them; the inner cover of the hot-air chamber shall be either a brick arch or two courses of brick laid on galvanized iron or tin supported by iron bars; the outside cover, which is the top of the furnace, shall be made of brick or metal supported by iron bars, and so constructed as to be perfectly tight, and shall not be less than four inches below the ceiling or floor beam. The walls of all furnaces shall be built hollow in the following manner: One inner and one outer wall, each four inches in thickness, properly bonded together with an air space of not less than three inches between them. Furnaces must be built at least four inches from all woodwork. All cold-air boxes shall be made of metal, brick or other incombustible materials for a distance of at least three

feet from furnace. All portable hot-air furnaces shall be kept at least two feet from any wooden or combustible partition or ceiling, unless the partition and ceilings are properly protected by a metal shield, when the distance shall not be less than one foot. Wooden floors under any portable furnace shall be protected by a suitable stone, or a course of brick well laid in mortar. Said stone or brick shall extend at least two feet beyond the furnace in front of the ash pan. Registers located over a brick furnace shall be supported by a brick shaft built up from the cover of the hot-air chamber, said shaft shall have a metal pipe inside of it. All registers for hot-air furnaces placed in any woodwork or combustible floors shall have stone borders firmly set in plaster of paris or gauged mortar. All such register boxes shall be made of tin plate with a flange on the top to fit the groove in the stone, the register to rest upon the same; there shall be an open space of two inches on all sides of the register box, extending from the under side of the stone border to and through the ceiling below. The said opening shall be fitted with tight tin casing, the upper end of which shall be turned under the stone. When a register box is placed on the floor over a portable furnace, the open space on all sides of the register box shall not be less than three inches. When only one register is connected with the furnace said register shall have no valve. Where a kitchen range is placed near a wooden stud partition the studs shall be cut away and framed two feet higher and one foot wider than the range, and filled into a line with said stud partition with brick or fire-proof blocks, and plastered thereon. No gas, water, or other pipes which may be introduced into any building shall be let into the beams unless the same be placed within thirty-six inches from a wall or supporting partition; in no case shall the said pipes be let into the beams more than two inches in depth. Every electric wire for furnishing light, heat or power, led into any building from the outside thereof, shall be arranged with suitable appliances to cut off the current on the outside of the building. All wires placed inside of the building, whether in connection with aerial or underground wires and carrying electric currents, shall be properly insulated. All gas brackets shall be placed, at least,

three feet below any ceiling or woodwork, unless the same is properly protected by a shield; in which case the distance shall not be less than eighteen inches. In cases where hot water, steam, hot air or other heating appliances or furnaces are hereafter placed in any building, or flues or fire places are changed or enlarged, due notice shall first be given to the commissioner of buildings by the person or persons placing the said furnace or furnaces in said building, or by the contractor or superintendent of said work.

§ 20. Every building which is more than three stories in height, above the curb level, occupied for manufacturing or mercantile purposes, shall have doors, blinds or shutters made of iron hung to iron hanging frames, or to iron eyes built into the wall on every window and every opening above the first story thereof, excepting on the front openings of buildings fronting on streets which are more than thirty feet in width, or where no other buildings are within thirty feet of such openings. Or the said doors, blinds or shutters may be constructed of pine or other soft wood of two thicknesses of matched boards at right angles with each other, and securely covered with tin, on both sides and edges, with folding lapped joints, the nails for fastening the same being driven inside the lap; the hinges and bolts, or latches shall be secured or fastened to the door or shutters after the same has been covered with the tin, and such doors or shutters shall be hung upon an iron frame, independent of the woodwork of the windows and doors, or two iron hinges, securely fastened in the masonry; or such frames, if of wood, shall be covered with tin in the same manner as the doors and shutters. All occupants of the building shall close the said shutters, doors and blinds at the close of the business of each day. All shutters opening on fire-escapes, and, at least, one row vertically, in every three rows of the front window openings above the first story of any building shall be so arranged that they can be readily opened from the outside by firemen. All rolling iron or steel shutters hereafter placed in the first story of any building shall be counterbalanced, so that said rolling shutters may be readily opened by the firemen. All windows and openings above the first story of any building may be

exempted from having shutters, upon the written consent of the commissioner of buildings. Where openings in interior brick walls are fitted with fireproof doors or shutters to prevent the spread of fire between buildings, or parts of any buildings, the said doors or shutters shall be closed at the close of the business of each day by the occupants or occupant of the building having use or control of the same.

§ 21. In any building in which there shall be any hoistway or freight elevator, or well-hole not inclosed in walls constructed of brick or other fireproof material, and provided with fireproof doors, the openings thereof through and upon each floor of said buildings, shall be provided with, and protected by a substantial guard or gate, and with such good and sufficient trap-doors with which to close the same, as may be directed and approved by the commissioner of buildings. The said commissioner shall have exclusive power and authority within said city to require the openings of hoistways or hoistway shafts, elevators and well-holes in buildings, to be inclosed or secured by trap-doors, guards or gates and railings. Such guards or gates shall be kept closed at all times, except when in actual use, and the trap-doors shall be closed at the close of the business of each day by the occupant or occupants of the building having the use or control of the same. In all buildings hereafter erected, the roof immediately over the hoistway, elevator or well-hole shall be covered with a skylight of suitable size. All elevators hereafter placed in any building, except such fireproof buildings as have been or may be erected in accordance with this title shall be inclosed in suitable walls of brick, or with suitable framework of iron and burnt clay filling, or of such other fireproof filling, materials and form of construction as may be approved by the commissioner of buildings. Said walls or construction shall extend through, and at least three feet above the roof, and all openings in the same shall be provided with fireproof doors. Elevators may be put in the well-hole of stairs in buildings, without such brick or fireproof inclosures, where the stairs are inclosed in brick or stone wall, and the stairs are constructed as specified hereafter. Elevators

may also be placed in any stair, well or open court of any building erected prior to the passage of this act, under a permit therefor from the commissioner of buildings, but the framework and inclosures of any such elevator shall be constructed of fireproof materials. The foregoing requirements as to brick or fireproof shafts shall include all dumb waiters, except such as do not extend through more than three stories in dwelling houses. The roofs over all inclosed elevators shall be made of fireproof materials, with a skylight at least three-fourths the area of the shaft, made of glass, set in iron frames. Immediately under the machinery at the top of every elevator shaft hereafter placed in any building in said city, there shall be provided and placed a substantial grating or screen of iron, of such construction as shall be approved by the commissioner of buildings. The commissioner of buildings shall make regulations for the inspection of passenger elevators, with a view to the safety of passengers, and shall also prescribe suitable qualifications for persons who are placed in charge of running passenger elevators. The regulations so made shall require any repairs found necessary upon inspection to be made without delay. In case defects are found to exist which would endanger life by the continued use of such elevator, then upon notice from the commissioner of buildings, the use of such elevator shall cease, and it shall not again be used until a certificate shall be first obtained from the commissioner that such elevator has been put in safe order and is fit for use. No person shall employ or permit any person to be in charge of running any passenger elevator who does not possess the qualifications prescribed therefor. All such elevators shall be inspected at least once every three months. Every freight elevator or lift shall have a notice posted conspicuously thereon as follows: Persons riding on this elevator do so at their own risk. Every elevator in any building erected to be occupied, or now occupied, as a hotel, shall, within six months after the passage of this act, be inclosed in suitable walls constructed and arranged as in this section required for elevators hereafter placed in buildings, unless under the provisions of this section, such elevators might have been placed in said buildings without such inclosing walls.

§ 22. If a mansard or any other roof having a pitch of over sixty degrees be placed on any building, except a wooden building, or a dwelling house not exceeding thirty-five feet in height, it shall be constructed of iron rafters and lathed with iron on the inside and plastered, or filled in with fire-proof material not less than three inches thick, and covered with metal or tile. All exterior cornices, inclusive of those on show windows and gutters of all buildings, shall be of some fire-proof material and be well secured to the walls with iron anchors, independent of any wood-work. In all cases the walls shall be carried up to the planking of the roof. Where the cornice projects above the roof the walls shall be carried up to the top of the cornice. The party walls shall in all cases extend up above the planking of the cornice and be coped. All exterior wooden cornices, on other than frame buildings, that may now be or that may hereafter become unsafe or rotten, shall be taken down, and if replaced shall be constructed of some fire-proof material. Bulkheads used as inclosures for tanks and elevators and coverings for the machinery of elevators and all other bulkheads, including the bulkheads of all dwelling houses hereafter erected or altered, may be constructed of hollow fire proof blocks, or of wood covered with not less than two inches of fire-proof material, or filled in the thickness of the studding with such materials, covered on all sides with metal, including sides and edges of doors. Covers on top of water tanks placed on roofs may be of wood covered with tin.

§ 23. The planking and sheathing of the roof of every building erected or built as aforesaid shall in no case be extended across the side, end or party wall thereof. Every such building and the tops and sides of every dormer window thereon shall be covered and roofed with slate, tin, copper or iron, or such other quality of fire-proof roofing as the commissioner of buildings, under his certificate, may authorize, and the outside of the frames of every dormer window hereafter placed upon any building as aforesaid shall be made of some fire-proof material. All buildings shall have scuttles or bulkheads, covered with some fire-proof material, with ladders or stairs, leading thereto and easily accessible to all

tenants. No scuttle shall be less in size than two by three feet. All skylights having a superficial area of more than nine square feet placed in any building shall have the sashes and frames thereof constructed of iron and glass. Every fire-proof roof hereafter placed on any building shall have beside the usual scuttle or bulkhead a skylight or skylights of a superficial area equal to not less than one-tenth the superficial area of such fire-proof roof. All buildings shall be kept provided with proper metallic leaders for conducting water from the roofs in such manner as shall protect the walls and foundations of such buildings from injury.

§ 24. The building limits, within which all buildings to be hereafter erected shall be built of brick, stone or material other than wood, shall comprise the fire limits as now established by law, or as these limits shall hereafter be extended by the common council, and no buildings of wood shall hereafter be erected within such limits except as in this title otherwise provided. Temporary one-story frame buildings may be erected for the use of builders, within the limits of lots whereon buildings are in course of erection, or on adjoining vacant lots, upon permits issued by the commissioner of buildings. Such permits may be revoked at any time and all such buildings must be removed by the parties erecting the same when and as ordered by the said commissioner. Fences of wood shall not be erected over ten feet high. Signs of wood shall not be erected over two feet high on any building. Piazzas or balconies of wood, which do not exceed eight feet in width, and which do not extend more than three feet above the second story floor beams, with piers of masonry or iron columns to support the same, may be erected upon the front or side of any detached dwelling-house occupied by not more than one family, but only upon a permit from the commissioner of buildings. The roofs of all piazzas shall be covered with some fire-proof material. Sheds of wood not over eight feet high, open on at least one side, with the sides and roof thereof covered with fire-proof material, may also be built, but no fence shall be used as the back or side of any such shed; and frame structures not exceeding fifty square feet in area and one story high may be built with the con-

sent of the commissioner. Any bay or oriel window that does not extend more than three feet above the second story floor of any dwelling-house may be built of wood. Exterior privies and wood or coal houses not exceeding one hundred and fifty square feet in superficial area and eight feet high, may be built of wood, but the roofs thereof must be covered with metal, gravel or slate.

§ 25. It shall not be lawful for the owner or owners of any brick dwelling-house with eight-inch walls, or of any wooden building already erected that has a peaked roof, to raise the same for the purpose of making a flat roof thereon, unless the same be raised with the same kind of material as the building, and unless such new roof be covered with slate, tin or other fire-proof material. Provided that such building when so raised shall not exceed forty feet in height to the highest part thereof. All such buildings must exceed twenty-five feet in height to the peak of the roof before the said alteration and raising. If any such building shall have been built before the street upon which it is located is graded, or if the grade is altered, such building may be raised or lowered to meet the requirements of such grade. No frame building more than two stories in height, now used as a dwelling shall hereafter be raised or altered to be used as a factory, warehouse or stable. No brick or wooden building shall be enlarged or built upon unless the exterior walls of said addition or enlargement be constructed of fire-proof material; provided, however, that such brick or wooden buildings may be raised, lowered or altered under the same circumstances, and, in the same manner, specially provided for in this section. No wooden building shall be moved from one lot to another until a sworn petition, setting forth the purpose of said removal and the uses to which said building is to be applied, is filed in the office of the commissioner of buildings, and the written consent of the commissioner and the next adjoining property owners is first obtained therefor. No wooden buildings shall be removed from without to within the limits prescribed herein for the erection of wooden buildings. No frame dwelling-house hereafter erected shall be occupied by more than two families on each floor, nor shall any frame

building already erected be altered to be occupied by more than two families on each floor.

§ 26. Frame buildings of any kind that may hereafter be erected outside of the fire limits of the City shall be built of foundations of stone not less than eighteen inches in thickness, or of brick not less than twelve inches in thickness to curb level or surface of ground; the commissioner may make such rules and regulations regarding the thickness of timber, brick, filling in of walls, temporary and permanent bracing and bridging as, in his judgement may be required. All party walls to be filled in with brick four inches thick and carried up above the roof line with three courses and covered over on top with tin or other fire-resisting material. All exterior walls to be sheathed up in a diagonal manner with boards not less than one inch thick, the sheathing to be put on the frame as it may be raised story after story. All chimneys or flues that may be used for hot air or smoke shall be built of brick; the back and ends of such flue or chimneys shall not be less than eight inches in thickness and the joints struck on the inside. No frame building that may hereafter be erected shall be built to a height exceeding forty feet and divided into more than three stories to be used as a dwelling or a tenement house. If used for manufacturing purposes not more than thirty feet in height and divided into not more than two stories, excepting grain elevators erected on wharves at the water front, as hereinafter provided. Frame structures or buildings, not exceeding one story or twenty-five feet in height to the eaves, may be erected on the docks and wharves at the water front of the city. The commissioner may make such rules and regulations as, in his judgment, may be necessary, to regulate the height of the structures, the foundations, thickness of timber required, and the manner of construction, but no such building, shed or structure shall be built within fifty feet of any other building.

§ 27. Every wooden or frame building, within the fire limits, which hereafter may be damaged to an amount not greater than one half of the value thereof, exclusive of the valuation of the foundation thereof, at the time of such damage, may be repaired or rebuilt. If such damage shall

amount to more than one-half of the value thereof, exclusive of the value of the foundation, then such building shall not be repaired or rebuilt, but shall be taken down. The amount or extent of such damages by fire, in case of disagreement in relation thereto between the commissioner and the owners of such damaged building, shall be determined by two disinterested persons residing in the city, one of whom shall be appointed by the owner or owners of such building, or his or their lawful agent, and one by the commissioner of buildings; and in case these two persons disagree, they shall select a third disinterested person, and the decision in writing of any two of them shall be final and conclusive in the premises, and such building shall not be repaired or rebuilt until the appointment of such persons as aforesaid, nor until after their decision shall be made in writing as aforesaid, finding that such damages do not exceed one half of the value of such building as it existed before such fire. In case it is rebuilt it shall have a fire-proof roof, and not exceed the provisions of section twenty-five of this title.

§ 28. Every dwelling-house occupied by, or built to be occupied by three or more families above the first story, and every building already erected, or that may hereafter be erected, more than three stories in height, occupied and used as a hotel or lodging house, and every boarding house having more than fifteen sleeping rooms above the basement story, and every factory, mill, manufactory or workshop, hospital, asylum or institution for the care or treatment of individuals, and every building in whole or in part occupied or used as a school or place of instruction or assembly, and every office building five stories or more in height, shall be provided with such good and sufficient fire-escapes, stairways, or other means of egress in case of fire as shall be directed by the commissioner of buildings. Said commissioner shall have full and exclusive power and authority within said city to direct fire-escapes and other means of egress, to be provided upon and within said buildings or any of them, and to direct the same to be repaired, renewed or replaced where they are or become out of repair, unsafe or inadequate. The owner or owners of any building upon which a fire-escape is erected

shall keep the same in good repair and properly painted and free from obstructions. No person shall at any time place any incumbrance of any kind whatsoever before or upon any fire-escape. It shall be the duty of every fireman and policeman who shall discover any fire-escape balcony, or ladder of any fire-escape incumbered in any way, to forthwith report the same to the commanding officer of his company or precinct, and the occupant of the premises or apartment to which said fire-escape balcony or ladder is attached, or for whose use the same is provided, shall be notified, either verbally or in writing, to remove such incumbrance and keep the same clear. If said notice shall not be complied with by the removal forthwith of such incumbrance, and keeping said fire-escape balcony or ladder free from incumbrances, then it shall be the duty of said commanding officer to apply to the nearest police magistrate for a warrant for the arrest of the occupant or occupants of the said premises or apartments of which the fire-escape forms a part, and the said parties shall be brought before the said magistrate, as for a misdemeanor; and, on conviction, the occupant or occupants of said premises or apartment shall be fined not more than twenty-five dollars for each offense, or may be imprisoned not to exceed ten days, or both, in the discretion of the court. In the construction of all balcony fire-escapes, the manufacturer thereof shall securely fasten thereto, in a conspicuous place, a cast iron plate, having suitable raised letters on the same, to read as follows: Notice—Any person placing incumbrance on this balcony is liable to a penalty of twenty-five dollars and imprisonment for ten days. All buildings requiring fire-escapes shall have stationary iron ladders leading to the scuttle opening in the roof thereof, and all scuttles and ladders shall be kept so as to be ready for use at all times, and easily accessible to all tenants. If a bulkhead is used in place of a scuttle it shall have stairs; the door in the bulkhead or any scuttle shall, at no time, be locked, but may be fastened on the inside by movable bolts or hooks; and, if a bulkhead, shall have stairs, with handrail leading to the roof. Every dwelling-house arranged for or occupied by two or more families above the first story, hereafter erected, shall be provided

with an entrance to the basement thereof from the outside of such building.

§ 29. In all buildings of a public character, such as hotels, churches, theaters, restaurants, railroad depots, public halls, and other buildings used or intended to be used, for purposes of public assembly, amusement or instruction, the halls, doors, stairways, seats, passageways and aisles, and all lighting and heating appliances and apparatus shall be arranged as the commissioner of buildings shall direct, to facilitate egress in case of fires or accident, and to afford the requisite and proper accommodation for the public protection in such cases. All aisles and passageways in said buildings shall be kept free from camp stools, chairs, sofas and other obstructions, and no person shall be allowed to stand in or occupy any of said aisles or passageways during any performance, service, exhibition, lecture, concert, ball or any public assemblage. The commissioner of buildings may, at any time, serve a written or printed notice upon the owner, lessee or manager of any of said buildings, directing any act or thing to be done or provided in or about the said buildings and the several appliances therewith connected, such as halls, doors, windows, seats, aisles, fire-walls and fire-escapes, so as to afford such security to the public in the uses to which they may be severally applied as he may deem necessary. Nothing herein contained shall be construed to authorize or require any other alterations to existing theatres than are specified in this section. Upon report to the mayor of said city by the commissioner of buildings that any order or requirement of this title in regard to theatres or places of public amusement has been violated or not complied with in any such building, the said mayor may, in his discretion, revoke the license of such theatre or place of public amusement and cause the same to be closed.

§ 30. Every theatre or opera house, or other building intended to be used for theatrical or operatic purposes, or for public entertainments of any kind, where stage scenery and apparatus are employed, hereafter erected, shall be built to comply with the requirements of this section. No building which, at the time of the passage of this act is not in actual

use for theatrical or operatic purposes, and no buildings hereafter erected not in conformity with the requirements of this section, shall be used for theatrical or operatic purposes, or for public entertainments of any kind where stage scenery and apparatus are employed, until the same shall have been made to conform to the requirements of this section. And no building hereinbefore described shall be open to the public for theatrical or operatic purposes, or for public entertainments of any kind where stage machinery or apparatus are employed, until the commissioner of buildings shall have approved the same in writing as conforming to the requirements of this section, and the mayor of the City of Brooklyn shall refuse to issue any license for any such building, and such building shall be closed and shall not be opened for such purposes until a certificate in writing of such approval shall have been given by the commissioner of buildings. Every such building shall have, at least, one front on the street, and in such front there shall be suitable means of entrance and exit for the audience. In addition to the aforesaid entrances and exits on the street, there shall be reserved for service in case of an emergency, an open court or space on the side not bordering on the street, where said building is located on a corner lot, and on both sides of said building where there is but one frontage on the street. The width of such open courts or court shall not be less than seven feet where the seating capacity is not over one thousand people; above one thousand and not more than eighteen hundred people, eight feet in width, and above eighteen hundred people, ten feet in width. Said open court or courts shall begin on a line with or near the proscenium wall, and shall extend the length of the auditorium proper, to or near the wall separating the same from the entrance lobby or vestibule. A separate and distinct corridor shall continue to the street, from each open court, through such superstructure as may be built on the street side of the auditorium, with continuous walls of brick or fire-proof materials on each side. The entire length of said corridors or corridor, and the ceiling and floors shall be fire-proof. Said corridor or corridors shall not be reduced in width to more than three feet less than the width of the open court or courts, and there shall be no projection in the same;

the outer opening to be provided with doors or gates opening toward the street. During the performance the doors or gates in the corridor shall be kept open by proper fastenings; at other times they may be closed and fastened by movable bolts or locks. The said open courts or corridors shall not be used for storage purposes, or for any purpose whatsoever except for exit and entrance from and to the auditorium and stage, and must be kept free and clear during performances. The level of said corridors at the front entrance to the building shall not be greater than one step above the level of the sidewalk, where they begin at the street entrances. The entrance of the main front of the building shall not be on a higher level from the sidewalk than four steps, unless approved by the commissioner of buildings. To overcome any difference of level existing between exits from the parquet into courts and the level of the said corridors, gradients shall be employed of not over one foot in ten feet with no perpendicular rises. From the auditorium opening into the said open court or on the side street, there shall be not less than two exits on each side, in each tier from and including the parquet and each and every gallery. Each exit shall be, at least, five feet in width in the clear, and provided with doors of iron or wood; if of wood the doors shall be constructed as hereinbefore in this title described. All of said doors shall open outwardly, and must be fastened with movable bolts, the bolts to be kept drawn during the performances. There shall be balconies not less than four feet in width in the side open court or courts at each level or tier above the parquet, on each side of the auditorium, of sufficient length to embrace the two exits, and from said balconies there shall be staircases extending to the ground level with a rise not over eight and one-half inches to a step, and not less than nine-inch tread, exclusive of the nosing. The staircase from the upper balcony to the next below shall not be less than thirty inches in width in the clear, and from the first balcony to the ground three feet in width in the clear where the seating capacity of the auditorium is for one thousand people or less, three feet and six inches in the clear where above one thousand and not more than eighteen hundred people, and four feet in the clear where over eighteen hundred people.

and not more than twenty-five hundred people, and not less than four feet six inches in the clear where above twenty-five hundred people. All the beforementioned balconies and staircases shall be constructed of iron throughout, including the floors, and of ample strength to sustain the load to be carried by them; they shall be covered with metal hood or awning, to be constructed as shall be directed by the commissioner of buildings. Where one side of the building borders on a street there shall be balconies and staircases of like capacity and kind, as before mentioned, extending to the ground. When located on a corner lot, that portion of the premises bordering on the side street and not required for the use of the theatre may be used for offices, stores and apartments, provided the walls separating this portion from the theatre proper are carried up solidly to and through the roof, and that a fire-proof exit is provided for the theatre, on each tier, equal to the combined width of exits opening on opposite sides in each tier, communicating with balconies and staircases leading to the street in manner provided elsewhere in this section; said exit passages shall be entirely cut off by brick walls from said offices, stores or apartments, and the floors and ceilings in each tier shall be fire-proof. Nothing herein contained shall prevent a roof garden, art gallery, or rooms for similar purposes being placed above a theatre or public building, provided the floors of the same forming the roof over such theater or building shall be constructed of iron or steel and fire-proof materials, and that said floor shall have no covering boards or sleepers of wood, but be of tile or cement. Every roof over said garden or rooms shall have all supports and rafters of iron or steel, and be covered with glass or fire-proof material, or both, but no such roof garden, art gallery or room for any public purpose shall be placed over or above that portion of any theatre or other building which is used as a stage. No workshop, storage or general property-room shall be allowed above the auditorium or stage, or under the same, or in any of the fly galleries. All of said rooms or shops may be located in the rear or at the side of the stage, but in such cases they shall be separated from the stage by a brick wall, and the openings leading into said portions shall have fire-proof doors on each

side of the openings, hung to iron eyes built in the wall. No portion of any building hereafter erected or altered, used or intended to be used for theatrical or other purposes, as in this section specified, shall be occupied or used as a hotel, boarding or lodging house, factory, workshop or manufactory, or for storage purposes, except as may be hereinafter specially provided for. Said restriction relates not only to that portion of the building which contains the auditorium and the stage, but applies also to the entire structure in conjunction therewith. No store or room contained in the building, or the office, stores or apartments adjoining as aforesaid, shall be let or used for carrying on any business, dealing in articles designated as specially hazardous in the classification of the New York board of fire underwriters, or for manufacturing purposes. No lodging accommodation shall be allowed in any part of the building communicating with the auditorium. Interior walls built of fire-proof materials shall separate the auditorium from the entrance vestibule, and from any room or rooms over the same; also from any lobbies, corridors, refreshment or other rooms. All staircases for the use of the audience shall be inclosed with walls of brick, or fire-proof materials approved by the commissioner of buildings, in the stories through which they pass, and the openings of said staircases from each tier shall be the full width of said staircase. A fire wall, built of brick, shall separate the auditorium from the stage, and the same shall extend at least four feet above the stage roof, or the auditorium roof, if the latter be the higher, and shall be coped. Above the proscenium opening, there shall be an iron girder covered with fire-proof material. There shall also be constructed a relieving arch over the same, the intervening space being filled with hard burnt brick of the full thickness of the proscenium wall. Should there be constructed an orchestra over the stage above the proscenium opening, the said orchestra shall be placed on the auditorium side of proscenium fire wall and shall be entered only from the auditorium side of said wall. The moulded frame around the proscenium opening shall be formed entirely of fire-proof material; if metal be used, the metal shall be filled in solid with non-combustible material and securely anchored to the wall with iron. The proscenium.

opening shall be provided with fire-proof metal curtain, or a curtain of asbestos, or similar fire-proof material, approved by the commissioner of buildings, sliding at each end within iron grooves, securely fastened to the brick wall, and extending into such grooves not less than six inches on each side. Said fire-proof curtain shall be raised at the commencement of each performance, and lowered at the close of said performance, and be operated by approved machinery for that purpose. The proscenium curtains shall be placed at least three feet distant from the footlights at the nearest point. All doorways or openings through the proscenium wall, from the auditorium, in every tier, shall have doors of iron or wood on each face of the wall ; if of wood the doors shall be constructed as hereinbefore described, and the doors hung so as to be opened from either side at all times. There shall be no openings in the proscenium fire wall above the level of the auditorium ceilings. Direct access to these doors shall be provided on both sides, and the same shall always be kept free from any incumbrance. Iron ladders or stairs, securely fixed to the wall, on the stage side, shall be provided to overcome any difference of level existing between the floor or galleries on the stage side of the fire-wall and those on the side of the auditorium. There shall be provided over the stage, metal skylights, of an area or combined area of at least one-eighth of the area of said stage, fitted with sliding sash and glazed with double-thick sheet glass, not exceeding one-eighth of an inch thick, each pane thereof measuring not less than three hundred square inches, and the whole of which skylight shall be so constructed as to open instantly on the cutting or burning of the hemp cord, which shall be arranged to hold said skylight closed, or some other equally simple approved device for opening them may be provided. All that portion of the stage not comprised in the working of scenery, traps and other mechanical apparatus for the presentation of a scene usually equal to the width of the proscenium openings, shall be built of iron or steel beams, filled in between with fire-proof materials, and all girders for the support of said beams shall be of wrought-iron or rolled-steel. The fly galleries entire, including pin-rails, shall be constructed of iron or steel, and the floors of said galleries shall be composed of iron or steel beams filled with fire-proof material,

and no wooden boards or sleepers shall be used as covering over beams, but the said floors shall be entirely fire-proof. The rigging loft shall be fire-proof except the floor covering the same. All stage scenery, curtains and decorations made of combustible material, and all wood work on or about the stage shall be saturated with some non-combustible material, or otherwise rendered safe against fire, to the satisfaction of the commissioner of buildings. The roof over the auditorium and the entire main floor of the auditorium and vestibule, also the entire floor of the second story of the front superstructure over the entrance lobby and corridors, and all galleries in the auditorium shall be constructed of iron or steel and fire-proof material, not excluding the use of wooden floor boards and necessary sleepers to fasten the same to, but such sleepers shall not mean timbers of support. The fronts of each gallery shall be formed of fire-proof material, except the capping, which may be of wood. The ceiling under each gallery shall be entirely formed of fire-proof material. The ceiling of the auditorium shall be formed of fire-proof material. All lathing, whenever used, shall be of metal. The partitions in that portion of the building which contains the auditorium, the entrance vestibule and every room and passage devoted to the use of the audience shall be constructed of fire-proof material including the furring of outside or other walls. None of the walls or ceilings shall be covered with wood sheathing, canvas or any combustible material; but this shall not exclude the use of wood wainscoting to a height not to exceed six feet, which shall be filled in solid between the wainscoting and the wall with fire-proof material. The walls separating the actors' dressing room from the stage, and the partitions dividing the dressing rooms, together with the partitions of every passage-way from the same to the stage, and all other partitions on or about the stage, shall be constructed of fire-proof material approved by the commissioner; all doors in any of said partitions shall be of iron, or of wood constructed as hereinbefore described. All the shelving and cupboards in each and every dressing-room, property-room or other storage-rooms, shall be constructed of metal, slate or some fire-proof material. Dressing-rooms may be placed in the fly galleries, pro-

vided that proper exits are secured therefrom to the fire-escapes in the open courts, and that the partitions and other matters pertaining to dressing-rooms shall conform to the requirements herein contained, but the stairs leading to the same shall be fire-proof. All seats in the auditorium, excepting those contained in boxes, shall be firmly secured to the floor, and no seat in the auditorium shall have more than six seats intervening between it and an aisle, on either side, and no stool or seat shall be placed in any aisle. All platforms in galleries formed to receive the seats shall not be more than twenty-one inches in height of riser nor less than thirty inches in width of platform. All aisles on the respective floors in the auditorium having seats on both sides of same, shall be not less than three feet wide where they begin, and shall be increased in width toward the exits in the ratio of one and one-half inches to five running feet. Aisles having seats on one side only shall not be less than two feet wide at their beginning and increase in width the same as aisles having seats on both sides. The aggregate capacity of the foyers, lobbies, corridors, passages and rooms for the use of the audience, not including aisle space between seats, shall, on each gallery floor, be sufficient to contain the entire number to be accommodated on said floor gallery, in the ratio of one hundred and fifty superficial feet of floor room for every one hundred persons. Gradients or inclined planes shall be employed instead of steps, where possible, to overcome slight difference of level in or between aisles, corridors and passages. Every theater accommodating three hundred persons shall have at least two exits; when accommodating five hundred persons at least three exits shall be provided; these exits not referring to or including the exits to the open courts at the side of the theater. Doorways of exit or entrance for the use of the public shall not be less than five feet in width, and for every additional one hundred persons or portions thereof to be accommodated, in excess of five hundred, an aggregate of twenty inches additional exit width must be allowed. All doors of exit or entrance shall open outwardly, and be hung to swing in such a manner as not to become an obstruction in a passage or corridor, and no such doors shall be closed and locked during any representation, or when

the building is open to the public. Distinct and separate places of exit and entrance shall be provided for each gallery above the first. A common place of exit and entrance may serve for the main floor of the auditorium and the first gallery, provided its capacity be equal to the aggregate capacity of the outlets from the main floor and the said gallery. No passage leading to any stairway communicating with any entrance or exit shall be less than four feet in width in any part thereof. All stairs within the building shall be constructed of fireproof material throughout. Stairways serving for the exit of fifty people must, if straight, be at least four feet wide between railings or between walls, and if curved or winding, five feet wide, and for every additional fifty people to be accommodated six inches must be added to their width. In no case shall the risers of any stairs exceed seven and a half inches in height, nor shall the treads, exclusive of nosings, be less than ten and one-half inches wide in straight stairs. In circular or winding stairs the width of the tread at the narrowest end shall not be less than seven inches. Where the seating capacity is for more than one thousand people there shall be at least two independent staircases, with direct exterior outlets, provided for each gallery in the auditorium where there are not more than two galleries, and the same shall be located on opposite sides of said galleries. Where there are more than two galleries one or more additional staircases shall be provided, the outlets from which shall communicate directly with the principal exit or other exterior outlets. All said staircases shall be of width proportioned to the seating capacity, as elsewhere herein prescribed. Where the seating capacity is for one thousand people or less, two direct lines of staircases only shall be required, located on opposite sides of the galleries, and in both cases shall extend from the sidewalk level to the upper gallery, with outlets from each gallery to each of said staircases. At least two independent staircases, with direct exterior outlets, shall also be provided for the service of the stage, and shall be located on opposite sides of the same. All inside staircases leading to the upper galleries or the auditorium shall be inclosed on both sides with walls of fireproof materials. Stairs leading to the first or lower gallery

may be left open on one side, in which case they shall be constructed as herein provided for similar stairs leading from the entrance hall to the main floor of the auditorium; but in no case shall stairs leading to any gallery be left open on both sides. When straight stairs return directly on themselves, a landing of the full width of both flights, without any steps, shall be provided. Stairs turning at an angle shall have a proper landing without winders introduced at said turn. In stairs, when two side flights connect with one main flight, no winders shall be introduced, and the width of the main flight shall be at least equal to the aggregate width of the side flight. Circular or winding stairs shall have proper landings introduced at convenient distances. All inclosed staircases shall have, on both sides, strong hand-rails firmly secured in the wall about three inches distant therefrom, and about three feet above the stairs, but said hand-rails need not run on level platforms and landings where the same is more in length than the width of the stairs. Every steam boiler which may be required for heating or other purposes, shall be located outside of the building, and the space allotted to the same shall be inclosed by walls of masonry on all sides, and the ceiling of such space shall be constructed of fire-proof materials. All doorways in said walls shall have iron doors. No floor register for heating shall be permitted. No coil or radiator shall be placed in any aisle or passage-way used as an exit; but all said coils and radiators shall be placed in recesses formed in the wall or partition to receive the same. All supply, return or exhaust pipes shall be properly incased and protected where passing through floors or near woodwork. Stand-pipes of two and one-half inches in diameter shall be provided with hose attachments on every floor and gallery as follows, namely: One on each side of the stage in each tier, also on each side of the auditorium, and at least one in the property-room and one in the carpenter's shop, if the same be contiguous to the building. All such stand-pipes shall be kept clear from obstruction. Said stand-pipes shall be separate and distinct, receiving their supply of water direct from the steam-pumps and shall be fitted with the regulation couplings of the fire department, and shall be kept constantly

filled with water by means of automatic steam pump or pumps of sufficient capacity to supply all the lines of hose when operated simultaneously; and said pump or pumps shall be supplied from the street main, and be ready for immediate use at all times during a performance in said building. A separate and distinct system of automatic sprinklers, with fusible plugs, approved by the commissioner of buildings, supplied with water from a tank located on the roof over the stage and not connected in any manner with the standpipes, shall be placed up and around the proscenium opening and on the ceiling or roof over the stage at such intervals as will protect every square foot of stage surface when said sprinklers are in operation. Automatic sprinklers shall also be placed wherever practicable, under the stage and in the carpenter shop, paint rooms, store rooms and property rooms. A proper and sufficient quantity of two and one-half inch hose, fitted with the regulation couplings of the fire department, and with nozzles attached thereto, and with hose wrench at each outlet shall always be kept attached to each hose attachment. There shall also be kept in readiness for immediate use on the stage at least four casks full of water, and two buckets to each cask. Said casks and buckets shall be painted red. There shall also be provided hand pumps or other portable fire extinguishing apparatus, and, at least, four axes, and two twenty-five feet hooks, two fifteen feet hooks, and also two ten feet hooks on each tier or floor of the stage. Every portion of the buildings devoted to the uses or accommodation of the public, also all outlets leading to the street, and including the open courts and corridors, shall be well and properly lighted during every performance, and the same shall be left lighted during each performance, until the entire audience has left the premises. At least two or more oil lamps on each side of the auditorium in each tier shall be provided on fixed brackets, not less than seven feet above the floor. Said lamps shall be filled with whale or lard oil, and shall be kept lighted during each performance, or in place of said lamps, candles shall be provided. All gas and electric lights in the halls, corridors, lobby or any other part of said buildings used by the audience except the auditorium, must be controlled by a separate shut-off located in the lobby, and

controlled only in that particular place. Gas mains supplying the building shall have independent connections for the auditorium and the stage, and provisions shall be made for shutting off the gas from the outside of the building. When interior gas lights are not lighted by electricity, other suitable appliances, to be approved by the commissioner of buildings, shall be provided. All suspended or bracket lights, surrounded by glass, in the auditorium, or in any part of the building, devoted to the public, shall be provided with proper wire netting underneath. No gas or electric light shall be inserted in the wall, woodwork, ceilings, or in any part of the building, unless protected by fireproof materials. All lights in passages and corridors, in said building, and wherever deemed necessary by the commissioner of buildings, shall be protected with proper wire network. The footlights, in addition to the wire network, shall be protected with a strong wire guard, not less than two feet distant from said footlights, and the trough containing said footlights shall be formed of and surrounded by fireproof material. All border lights shall be constructed according to the best known methods, and subject to the approval of the commissioner of the fire department, and shall be suspended for ten feet by wire rope. All ducts or shafts used for conducting heated air from the main chandelier, or from any other light or lights, shall be constructed of metal and made double with an air space between. All stage lights shall have strong metal wire guards or screens not less than ten inches in diameter so constructed that any material in contact therewith shall be out of reach of the flames of said stage lights, and must be soldered to the fixture in all cases. The stand pipes, gas pipes, electric wires, hose, footlights and all apparatus for the extinguishing of fire, or guarding against the same, as in this section specified, shall be in charge and under control of the department of buildings, and the commissioner of said department is hereby directed to see that the arrangements in respect thereto are carried out and enforced. A diagram or plan of each tier, gallery or floor showing distinctly the exits therefrom shall be printed in a legible manner on the programme of the performance. Every exit shall have over the

same on the inside the word "EXIT" painted in legible letters not less than eight inches high.

§ 31. In case of the falling of any building, or part of any building in the City of Brooklyn, where persons are known, or believed, to be buried under the ruins thereof, it shall be the duty of the fire department to cause an examination of the premises to be made for the recovery of the bodies of the killed and injured. Whenever, in making such examination, it shall be necessary to remove from the premises any debris, it shall be the duty of the department of city works, when called upon by the department of buildings to cooperate, to provide a suitable and convenient dumping place for the deposit of such debris. In case there shall be, in the opinion of the commissioner of buildings, actual and immediate danger of the falling of any building, or part thereof, so as to endanger life or property, said commissioner shall cause the necessary work to be done to render said building, or any part thereof, temporarily safe until the proper proceedings can be taken, as in the case of an unsafe building as provided for in this title. For the aforesaid purposes the said fire department or the commissioner of buildings, as the case may be, shall employ such laborers and materials as may be necessary to perform said work as speedily as possible, and the expense thereof, if there be no other fund applicable thereto, shall, in the first instance, be paid from the revenue fund, and may be recovered from the owner of such building in an action to be brought in the name of the City of Brooklyn. Such work may be done with or without notice to the owner, as in the judgment of the commissioner of buildings the necessity of the situation will permit.

§ 32. Before the erection, construction or alteration of any building or part of any building of any platform, staging or flooring to be used for standing or seating purposes, in the City of Brooklyn, is commenced, the owner, or his agent or architect, shall submit to the commissioner of buildings a detailed statement, in writing, of the specifications, and a full and complete copy of the plans of such proposed work, which shall be accompanied with a statement, in writing, giving the full name and residence (street and number) of

the owner, or of each of the owners, of said building, or proposed building, platform, staging or flooring. If such erection, construction or alteration is proposed to be made by any other person than the owner or owners of the land in fee, the person or persons intending to make such erection or alteration shall accompany said detailed statement of the specifications and copy of the plans, with the name and residence (street and number) of the owner or owners of the land, and also of every person interested in said building or proposed building, platform, staging or flooring, either as owner, lessee, or in any representative capacity. Such statement may be made by the agent or architect of the person or persons hereinbefore required to make the same. Such statement and copy of the plans shall be kept on file in the office of the commissioner of buildings, and the erection, construction, or any part thereof, shall not be commenced or proceeded with until said statements and plans have been so filed and approved by the commissioner of buildings and a permit issued by him therefor. Any permit so issued, but under which no building work is commenced within one year from the time it was issued shall expire by limitation. Nothing in this section shall be construed to prevent the commissioner of buildings from granting his approval for the erection of any part of the building, where plans and detailed statements have been presented for the same, before the entire plans and detailed statements of said building have been submitted. Ordinary repairs may be made without notice to the department of buildings, but such repairs shall not be construed to include the cutting away of any stone or brick wall, or any portion thereof, the removal or cutting of any beams or supports, or the removal, change of or closing of any stairway.

§ 33. The commissioner of buildings shall have the power (except as herein otherwise provided) to pass upon any question relative to the mode, manner of construction or materials to be used in the erection or alteration of any building or other structure, provided for in this title, in any part of the City of Brooklyn, to make the same conform to the true intent and meaning of the several provisions of this title. He shall also have power to vary or modify the provisions of this

title, upon application to him therefor, in writing, by the owner of such building or structure, or his representative, where there are practical difficulties in the way of carrying out the strict letter of this law, so that the spirit of the law shall be observed, the public safety secured and substantial justice done; but no such deviation shall be permitted unless a record of the same shall be kept by the said commissioner of buildings, and a certificate be first issued to the party applying for the same.

§ 34. The owner or owners of any building, or part thereof, upon which anything prohibited by any provision of this title may be placed, done, or shall exist, and any architect, builder, carpenter or mason who may be employed or assist in the violation of any such provision, and any and all persons who shall violate any of the provisions of this title or fail to comply therewith, or any requirements thereof, or who shall violate or fail to comply with any order or regulation made thereunder, or who shall build in violation of any detailed statement of specifications or plans, submitted and approved thereunder, or of any certificate or permit issued thereunder, shall severally, for each and every such violation, and non-compliance, respectively forfeit and pay a penalty in the sum of fifty dollars. Except that any such person who shall violate any of the provisions of this title as to the construction of chimneys, fireplaces, flues, hot-air pipes and furnaces, or who shall violate any of the provisions of this title with reference to the framing or trimming of timbers, girders, beams, or other woodwork in proximity to chimney flues or fireplaces, shall forfeit and pay a penalty in the sum of one hundred dollars. But if any said violation shall be removed, or be in process of removal, within ten days after the service of a notice, as hereinafter prescribed, the liability of such penalty shall cease, and the commissioner of buildings may, in his discretion, direct that any action pending to recover the same be discontinued. Any and all of the aforementioned persons, who having been served with a notice, as hereinafter prescribed, to remove any violation or comply with any requirement of this title, or with any order or regulation made thereunder, shall fail to comply

with said notice within ten days after such service, or shall continue to violate any requirements of this title in the respect named in said notices shall pay a penalty of two hundred and fifty dollars. For the recovery of any said penalty or penalties an action may be brought in any of the courts of justice of the peace, or in any court of record in said city in the name of the City of Brooklyn, and whenever any judgment shall be rendered therefor the same shall be collected and enforced, as prescribed and directed by the code of civil procedure of the State of New York, and the moneys collected paid into the city treasury for the benefit of the firemen's insurance fund.

§ 35. All courts of civil jurisdiction in the City of Brooklyn shall have cognizance of and jurisdiction over any and all suits and proceedings by this title authorized to be brought for the recovery of any penalty, and the enforcement of any of the several provisions of this title, and shall give preference to such suits and proceedings over all others, and no court shall lose jurisdiction of any action by reason of a plea that title to real estate is involved, provided the object of the action is to recover a penalty for the violation of any of the provisions of this title. The department of buildings is authorized to institute, in the name of the City of Brooklyn, any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this title, and all civil courts in said city are hereby invested with full legal and equitable jurisdiction to hear, try and determine all such actions and proceedings, and to make appropriate orders and render judgment therein according to law, so as to give force and effect to the provisions of this title. Whenever the commissioner of buildings is satisfied that any building or structure, or any portion thereof, the erection, construction or alteration of which is regulated, permitted or forbidden by this title, is being erected, constructed or altered, or has been erected, constructed or altered in violation of, or not in compliance with, any of the provisions or requirements of this title, or in violation of any detailed statement of specifications or plans submitted and approved thereunder, or of any certificate or

permit issued thereunder, or that any provisions or requirements of this title, or any order or direction made thereunder, has not been complied with, said commissioner may, in his discretion, cause to be instituted in the name of said city, any appropriate action or proceeding at law or in equity to restrain, correct or remove such violation, or to restrain or correct the erection or alteration of, or to require the removal of, or to prevent the occupation or use of the building or structure erected, constructed or altered in violation of, or not in compliance with any of the provisions of this title, or with respect to which the requirements of the title or of any order or direction made pursuant to any provisions contained in this title shall not have been complied with. In any such action or proceeding said commissioner may, in his discretion, and on a verified complaint or petition, and such affidavits as he may be advised, setting forth the facts, apply to any court of record in said city, or to a judge or justice thereof, for an order enjoining and restraining all persons from doing, or causing, or permitting to be done, any work in or upon such building or structure, or in or upon such part thereof as may be designated in said complaint, petition or affidavits, or from occupying or using said building or structure or such portion thereof, as may be so designated for any purpose whatever until the hearing and determination of said action or proceeding and the entry of final judgment therein. The court, or judge, or justice thereof, to whom such application is made, is hereby authorized forthwith to make any or all of the orders above specified, as may be required in such application, with or without notice, and to make such other or further orders or directions as may be necessary to render the same effectual. No officer of said department, acting in good faith, and without malice, shall be liable for damages by reason of anything done in any such action or proceeding. No undertaking shall be required as a condition to the granting or issuing of such injunction order, or by reason thereof. All courts in which any suit or proceeding is instituted under this title, shall, upon the rendition of a verdict, report of a referee, or decision of a judge or justice, render judgment according therewith; and the said judgment so rendered, shall be, and become a lien upon the premises named in the complaint in

any such action, to date from the time of the filing in the office of the clerk of the County of Kings, of a notice of lis pendens therein, which lien may be enforced against said property, in every respect, notwithstanding the same may be transferred subsequent to the filing of the said notice; and all such suits and proceedings may be prosecuted to final judgment against the parties originally named therein, and any and all persons acquiring any interest in the premises subsequent to the filing of the notice of lis pendens shall be bound by the judgment. Said notice of lis pendens shall consist of a copy of the notice issued by the commissioner of buildings, requiring the removal of the violation and a notice of the suit or proceedings instituted, or to be instituted thereon and said notice of lis pendens may be filed at any time after the service of the notice issued by the commissioner of buildings as aforesaid, provided he may deem the same to be necessary, or at or after the time of the filing of the complaint or petition. Any notice of lis pendens filed pursuant to the provisions of this title may be vacated and canceled of record upon an order of a judge or justice of the court in which such suit or proceeding was instituted or is pending, or upon the consent in writing of the corporation counsel of said city, and the clerk of the County of Kings is hereby directed and required to mark any such notice of lis pendens, and any record or docket thereof as vacated and canceled of record upon the presentation and filing of a certified copy of an order as aforesaid or of the consent in writing of said counsel. Such actions or proceedings may be commenced as any other action is commenced in the courts in which they are brought, or by an order to show cause based upon a petition or affidavits; the issues in such actions or proceedings shall be tried as other issues are tried in such courts, according to the nature thereof, and the granting or awarding costs upon final judgment shall be in the discretion of the court.

§ 36. All notices of the violation of any of the provisions of this title, and all notices directing anything to be done required by this title, and all other notices that may be required or authorized to be issued thereunder, including notice that

any building, structure, premises, or any part thereof, are deemed unsafe or dangerous, shall be issued by the commissioner of buildings, or in case of his absence or inability to act, by his deputy or assistant, and shall have his name affixed thereto, and may be served by an officer or employe of the department of buildings or by any person authorized by the said department. All such notices and any notice or order issued by any court in any proceeding instituted to restrain or remove any violation, or to enforce compliance with any provision or requirement of this title, may be served by delivering to and leaving a copy of the same with any person or persons violating, or who may be liable under any of the several provisions of this title, or to whom the same may be addressed, and if such person or persons cannot be found after diligent search shall have been made for him or them, then such notice or order may be served by posting the same in a conspicuous place upon the premises where such violation is alleged to have been placed or to exist, or to which such notice or order may refer, or which may be deemed unsafe or dangerous, which shall be equivalent to a personal service of said notice or order upon all parties for whom such search shall have been made. If the person or persons or any of them, to whom said notice or order is addressed, do not reside in the State of New York, and have no known place of business therein, the same may be served by delivery to and leaving with such person or persons, or either of them, a copy of said notice or order, or if said person or persons cannot be found within said State after diligent search, then by posting a copy of the same in manner as aforesaid, and depositing a copy thereof in the post office of the City of Brooklyn, inclosed in a sealed wrapper addressed to said person or persons at his or their last known place of residence, with the postage paid thereon, and said posting and mailing of a copy of said notice or order shall be equivalent to personal service of said notice or order.

§ 37. Any building or buildings, part or parts of a building staging or other structure in the City of Brooklyn, that from any cause may now be, or shall at any time hereafter become dangerous or unsafe, may be taken down and removed, or

made safe and secure in the following manner: Immediately upon such unsafe or dangerous buildings, or building, or part, or parts of a building, staging or structure being reported by any of the officers of the department of buildings, the same shall be immediately entered upon a docket of unsafe buildings to be kept by the commissioner; and the owner, or some one of the owners, executors, administrators, agents, lessees or any other person or persons who may have a vested or contingent interest in the same, may be served with a printed or written notice containing a description of the premises or structure deemed unsafe or dangerous, requiring the same to be made safe and secure or removed, as the same may be deemed necessary by the commissioner of buildings, which said notice shall require the person or persons thus served to immediately certify to the commissioner of buildings his or their assent or refusal to secure or remove the same. If the person or persons so served with notice shall immediately certify his or their assent to the securing or removal of said unsafe or dangerous building, premises or structure, he or they shall be allowed until one o'clock in the afternoon of the day following the service of such notice in which to commence the securing or removal of the same, and he or they shall employ sufficient labor and assistance to secure or remove the same as expeditiously as the same can be done; but upon his or their refusal or neglect to comply with any of the requirements of said notice, the commissioner of buildings may immediately cause to be commenced in the name of said city in any court of record therein, in the manner aforesaid, an action or proceeding against the person or persons upon whom said notice was served, to have such building or buildings, part or parts of a building, staging or other structure declared and adjudged dangerous or unsafe, and to compel the same to be taken down, removed, or made safe; any other person having any interest in or lien upon any such building, buildings, staging or other structure, may, in the discretion of the commissioner, or of the corporation counsel, be made parties to any such action or proceeding. If such action or proceeding is commenced by the service of a summons, the summons shall be in the form prescribed by the code of civil

procedure, except that it may require the defendants to answer within a time therein mentioned and fixed, which time shall be not less than two nor more than twenty days after the service of the summons. Such summons may be served personally, or, if the court, or a judge thereof, shall so order, by fastening a copy of the same, together with a copy of the complaint and order allowing such service, upon the building or buildings, staging or other structure proceeded against, and by leaving a copy of the same papers with a person in charge of such building, buildings or structure, if there be at the time any one in charge thereof. But before any such order is made, the court or judge granting the same must be satisfied, by the affidavits presented to him, that the defendant or defendants in any such action or proceeding so sought to be served is absent from or cannot, after due diligence, be found within this State. The issues joined in any such action or proceeding may be brought to trial on any day in term upon two days' notice, and shall have preference over all other causes on the calendar of the court for the day mentioned in the notice, and the court shall then proceed to impanel a jury, hear, try and determine such issues in the same manner as though the trial had been noticed for the first day of a term of the court, and was then first reached in regular order for trial. The verdict of the jury upon any such trial shall be conclusive and final. Any such suit or proceeding commenced before a judge or justice may be continued before another judge or justice of the same court; a jury trial may be waived by the default of the defendant or defendants to appear and answer, or to appear upon the trial, or by agreement, and in such case the trial may be by court, judge, justice or referee, whose report or decision in the matter shall be final. Upon the rendition of a verdict or decision of the court, judge, justice or referee, if the said verdict or decision shall find the said building, premises or structure to be unsafe or dangerous, the judge or justice trying said cause, or to whom the report of the referee trying said cause shall be presented, shall immediately issue a precept out of said court, directed to the commissioner of buildings, reciting said verdict or decision, and commanding him forthwith to repair and secure, or take down and remove, as the case

may be, in accordance with said verdict or decision, said unsafe or dangerous building or buildings, part or parts thereof, stagning structure or other premises that shall have been named in the said notice and described in the complaint. And said commissioner shall immediately thereupon proceed to execute said precept as therein directed, and may employ such labor and assistance and furnish such materials as may be necessary for that purpose, and after having done so said commissioner shall make return of said precept with an indorsement of his action thereunder and the costs and expenses thereby incurred, to the judge or justice then holding the chambers or special term of the said court, and thereupon said judge or justice shall, upon notice to the parties who appeared in said action, or their attorneys, tax and adjust the amount endorsed upon said precept, and shall adjust and allow disbursements of said proceedings, together with the preliminary expenses of searches and surveys, which shall be inserted in the judgment in said action or proceeding, and shall render judgment for such amount, and for the sale of said premises in the said notice named, together with all the right, title and interest that the person or persons, or either of them, named in the said notice, or named as defendants in such action, had in the lot, ground or land upon which the said building or structure was placed, at the time of the filing of a notice of lis pendens in the said proceedings, or at the time of the entry of judgment therein to satisfy the same, which shall be in the same manner and with like effect as sales under judgment in foreclosure of mortgages. And in and about all preliminary proceedings, as well as the carrying into effect any order of the court or any precept issued by any court, said commissioner of buildings may make requisition upon the comptroller of the city for such amount or amounts of money as shall be necessary to meet the expenses thereof; and upon the same being approved by any judge or justice of the court in which said action was commenced, and presented to said comptroller, he shall pay the same from the revenue fund, and all moneys realized from any such sale shall be paid into the city treasurer to the credit of the revenue fund. The notice of lis pendens provided for in this section shall contain

or have annexed a copy of the notice or order served by the commissioner, and shall be filed in the office of the clerk of the County of Kings. Provided, nevertheless, that immediately upon the issuing of said precept the owner or owners of said building or premises, or any party interested therein, upon application to said commissioner of buildings, shall be allowed to perform the requirements of said precept at his or their own proper cost and expense, provided the same shall be done immediately and in accordance with the requirements of said precept upon the payment of all costs and expenses incurred up to that time.

§ 38. The supreme court of the State of New York, the county court of Kings County, and the city court of Brooklyn shall also, upon petition, respectively have power and jurisdiction to adjudge and decree that any store, storehouse, dwelling or other building, staging or other structure of any nature, or any part of either thereof, which is, has, or may hereafter become dangerous, unsafe or insecure, or that any such buildings or structures or parts thereof erected or altered or in course of erection or alteration in violation of the provisions of this title shall be taken down and removed, or repaired and made safe in a proper manner. Any owner, agent, lessee or occupant of any building against which a decree shall be made, as hereinbefore provided, who shall neglect, refuse or fail to comply with the terms of any such decree, shall be deemed guilty of contempt, and be punished as provided by law for the punishment of contempt of court. The remedy given by this section is cumulative, and in addition to any other remedy or right of action in this title given.

§ 39. In case any notice or direction authorized to be issued by this title is not complied with within ten days after the service thereof, the commissioner of buildings may also, in his discretion, apply to any court of record held in the City of Brooklyn at special term or at chambers, for an order directing the department of buildings to proceed to make the alteration, or remove the violation or violations, as the same may be specified in said notice or direction. Whenever any notice requiring fire escapes or means of egress

in case of fire to be placed in or upon any building shall have been served, as directed in this title, and the same shall not have been complied with within ten days after service thereof, the said commissioner may, in his discretion, in addition thereto, or in lieu of the remedy last above provided, apply to either of said courts at a special term or at chambers, for an order directing the department of buildings to vacate such buildings or premises, or so much thereof as said department may deem necessary, and prohibiting the same to be used or occupied for any purpose specified in said order until such notice shall have been complied with. The expenses and disbursements incurred in the carrying out of any said order or orders shall become a lien upon said building or premises named in the said notice from the time of filing of a copy of the notice with a notice of the proceedings taken thereunder in the office of the clerk of the County of Kings, and the said courts, or a judge or justice thereof, to whom application shall be made, is hereby authorized and directed to grant any of the orders above named, and to take such proceedings as shall be necessary to make the same effectual, and any said judge or justice to whom application shall be made, is hereby authorized and directed to enforce such lien in accordance with the general mechanics' lien law of the State. And in case either of the notices or any of the papers in this title mentioned shall be served upon any lessee or party in possession of the building or premises therein described it shall be the duty of the person upon whom such service is made to immediately give notice to the owner or agent of such building named in the notice or papers, if the same shall be known to said party personally, if such person shall be within the limits of the City of Brooklyn, and his residence known to such person, and if not within said city, then by depositing a copy of the said notice or papers in the Brooklyn post-office properly inclosed and addressed to such owner or agent at his then place of residence, if known, and by paying the postage thereon. And in case any lessee or party in possession shall neglect or refuse to give such notice as herein provided, he shall be personally liable to the owner or owners of said buildings or premises for all damages he or they shall sustain by reason thereof,

provided that a copy of this requirement, on his part, shall be indorsed on or accompany the notice or papers served on him.

§ 40. The said department of buildings shall be, and hereby is, charged with the enforcement of the provisions of this title through the commissioner of buildings and he shall appoint all the officers and subordinates thereof. The inspectors shall be men of good character, capable of writing a fair hand, and be able to make out with clearness their reports and no person shall serve as, or be appointed to office as an inspector of buildings in said bureau who is deficient in these qualifications, and before their appointment to office they shall pass examination before the civil service commission. Any inspector of buildings for any neglect of duty or omission to properly perform his duty, or violation of rules, or neglect or disobedience of orders, or incapacity, or absence without leave, may be punished by the commissioner of buildings by forfeiting and withholding pay for a specified time, or by suspension from duty with or without pay; but this provision shall not be deemed to abridge the right of said commissioner to remove or dismiss any inspector of buildings from the service of said department at any time in his discretion.

§ 41. The corporation counsel is authorized to sue for and collect all penalties and take charge of and conduct all legal proceedings instituted for the enforcement of any of the several provisions of this title or for the recovery of any penalty thereunder brought in the name of the City of Brooklyn; all notices of violation shall be returned to him for prosecution, and it shall be his duty to take charge of the prosecution of all such suits or proceedings, collect and receive all money that may be collectible upon judgments, suits or proceedings so instituted, or which may be paid by any parties who have violated any of the provisions of this title, and upon settlement of judgment and removal of violations thereunder, execute satisfaction therefor. He shall render to the comptroller an account of, and pay over to the city treasurer all penalties, and all other money, including

costs, received by him, all necessary disbursements incurred or paid in said suits may be deducted or paid from such moneys. All the officers appointed under this title shall, so far as it may be necessary for the performance of their respective duties, have the right to enter any building or premises in said city.

§ 42. The commissioner of buildings is hereby authorized and empowered to investigate, examine and inquire into the origin, details and facts of any supposed cases of violations of any of the provisions of this title, of all other laws relating to the building department, and of the rules and regulations of said department, and also into all charges made against the officers, agents and employes of said department for misconduct, neglect or non-performance of duty. Said commissioner, in and about any examination, investigation, or inquiry authorized hereby, touching any matter or thing therewith connected, may subpoena and compel the attendance of any person or persons, and the production of any books, papers or documents in his or their possession, or under his or their control, connected with and necessary in the judgment of said commissioner, to such examination, investigation or inquiry, before him at the time and place therein named. For the purpose aforesaid, the corporation counsel may at any time obtain to be issued subpoenas out of the supreme court, tested under the name of a justice of said court, in like form and with like effect as though issued by said justice in any action pending in a court of record; and said subpoena may be served, and proof of such service may be made, in the same manner as now by law provided for the service of subpoenas out of said court; and upon proof of service and proof of non-compliance, failure to attend and testify on the part of any person or persons, as required by said subpoena, or a failure or refusal on the part of any person or persons to produce any such books, papers or documents in his or their possession, or a failure or refusal on his or their part to answer any question put to him or them, and deemed pertinent thereto, by any justice of said court, proceedings may be commenced to punish said person or persons as for contempt, and the provisions of

the code of civil procedure, in relation to contempt proceedings, shall be deemed applicable thereto. Said commissioner in conducting an examination or inquiry as aforesaid, is hereby authorized to administer any oath or affirmation in the matter, and any false swearing under said oath or affirmation thus administered shall be perjury, and punishable as such. Said examination may be continued and adjourned by the said commissioner, from time to time, and any person subpoenaed, as aforesaid, shall attend and testify upon said adjourned day or days, and at the time and place designated, as though the same had been named in said subpoena, and with like effect as to any failure to appear and answer. Any testimony or evidence taken as aforesaid shall be carefully preserved in the records of said department.

§ 43. Said commissioner shall inspect all buildings, and it shall be lawful for any of the inspectors, for such inspection, to enter into and upon all buildings, livery or other stables, boats or vessels, and place where any gunpowder, saltpetre, hay, rushes, firewood, boards, shingles, shavings, or other combustible materials may be lodged; and he shall give such directions, in writing, as he may deem necessary, relative to the removal thereof; and in case of the neglect or refusal on the part of the owner or possessor of such combustible materials, or the owner or occupant of said premises, places or vessels, or either of them, to remove or secure the same within such time, and in the manner directed by the said commissioner, the party offending shall forfeit and pay fifty dollars, and the further sum of ten dollars for every twenty-four hours' neglect to remove or secure the same after being so notified.

§ 44. No building situated, or hereafter erected in the city, occupied in whole or in part as a dwelling, or occupied by any family or families, shall have any hay, straw, hemp, flax, shavings, burning fluid, turpentine, camphene, or any other combustible material stored therein, or in any part thereof, or kept on sale except in such quantities as shall be provided for by law, or by ordinance of the common council of said city.

§ 45. No house, building, or portion thereof, in the City of Brooklyn, shall be used, occupied, leased or rented for a tenement or lodging house unless the same conforms in its construction and appurtenances to the requirements of this title.

§ 46. Every house, building, or portion thereof, in the City of Brooklyn, designed to be used, occupied, leased or rented, or which is used, occupied, leased or rented for a tenement or lodging house, shall have in every room which is occupied as a sleeping room, and which does not communicate directly with the external air, a ventilating or transom window, having an opening or area of three square feet, over the door leading into and connected with the adjoining room, if such adjoining room communicates with the external air, and also a ventilating or transom window of the same opening or area, communicating with the entry or hall of the house, or where this is from the relative situation of the rooms impracticable, such last mentioned ventilating or transom window shall communicate with an adjoining room that itself communicates with the entry or hall, an adequate and proper ventilator, of a form approved by the health commissioner.

§ 47. The roof of every such house shall be kept in good repair, and so as not to leak, and all rain water shall be so drained or conveyed therefrom as to prevent its dripping on to the ground or causing dampness in the walls, yard or area. All stairs shall be provided with proper banisters or railings, and shall be kept in good repair.

§ 48. Every such building shall be provided with good and sufficient water closets or privies, of a construction approved by the health commissioner, and shall have proper doors, traps, soil pans and other suitable works and arrangements, so far as may be necessary to insure the efficient operation thereof. Such water closets or privies shall not be less in number than one to every twenty occupants of said house; but water closets or privies may be used in common by the occupants of any two or more houses, provided the access is convenient and direct, and provided the number of occupants in the houses for which they are provided shall not exceed the proportion above required for every privy or water closet. Every such

house situated upon a lot on a street in which there is a sewer shall have the water closets or privies furnished with a proper connection with the sewer, which connection shall be in all its parts adequate for the purpose, so as to permit entirely and freely to pass whatever enters the same. Such connection with the sewer shall be of a form approved by the department of city works. All such water closets and vaults shall be provided with the proper traps, and connected with the house sewer by a proper tight pipe, and shall be provided with sufficient water and other proper means of flushing the same; and every owner, lessee and occupant shall take adequate measures to prevent improper substances from entering such water closets or privies or their connections, and to secure the prompt removal of any improper substances that may enter them, so that no accumulation shall take place, and so as to prevent any exhalations therefrom, offensive dangerous or prejudicial to life or health, and so as to prevent the same from being or becoming obstructed. No cess-pool shall be allowed in or under or connected with any such house, except when it is unavoidable, and in such case it shall be constructed in such situation and in such manner as the commissioner of health may direct. It shall in all cases be water tight, and arched or securely covered over, and no offensive smell or gases shall be allowed to escape there, from, or from any privy or privy vault. In all cases where a sewer exists in the street upon which the house or building stands, the yard or area shall be so connected with the same that all water, from the roof or otherwise, and all liquid filth shall pass freely into it. Where no sewer exists in the street, the yard or area shall be so graded that all water, from the roof or otherwise, and all filth shall flow freely from it and all parts of it into the street gutter, by a passage beneath the sidewalk, which shall be covered by a permanent cover, but so arranged as to permit access to remove obstructions or impurities.

§ 49. It shall not be lawful, without a permit from the commissioner of health, to let or occupy, or suffer to be occupied separately as a dwelling, any vault, cellar or underground room, and it shall not be lawful without such permit,

to let or continue to be let, or to occupy or suffer to be occupied separately as a dwelling, any vault, cellar or underground room whatsoever, unless the same be in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof, nor unless the same be for at least one foot of its height above the surface of the street or ground adjoining or nearest to the same, nor unless there be outside of and adjoining the said vault, cellar or room, and extending along the entire frontage thereof, and upwards from six inches below the level of the floor thereof up to the surface of the said street or ground an open space of at least two feet and six inches wide in every part, nor unless the same be well and effectually drained by means of a drain, the uppermost part of which is one foot at least below the level of the floor of such vault, cellar or room, nor unless there is a clear space of not less than one foot below the level of the floor, except where the same is cemented, nor unless there be appurtenant to such vault, cellar or room the use of a water closet or privy kept and provided as in this act required, nor unless the same have an external window opening of at least nine superficial feet clear of the sash frame, in which window opening there shall be fitted a frame filled in with glazed sashes, at least four and a half superficial feet of which shall be made so as to open for the purpose of ventilation. Provided, however, that in the case of an inner or back vault, cellar or room let or occupied along with a front vault, cellar or room, as part of the same letting or occupation, it shall be a sufficient compliance with the provisions of this act if the front room is provided with a window as hereinbefore provided, and if the said back vault, cellar or room is connected with the front vault, cellar or room by a door, and also by a proper ventilating or transom window, and where practicable also, connected by a proper ventilating or transom window, or by some hall or passage communicating with the external air. Provided always that in any area adjoining a vault, cellar or underground room there may be steps necessary for access to such vault, cellar or room, if the same be so placed as not to be over, across or opposite to the external window, and so as to allow between every part of such steps and the external wall of such vault, cellar or

room, a clear space of six inches at least, and if the rise of said steps is open ; and provided further that over or across any such area there may be steps necessary for access to any building above the vault, cellar or room to which such area adjoins, if the same be so placed as not to be over, across or opposite to any such external window.

§ 50. No vault, cellar or underground room shall be occupied as a place of lodging or sleeping, except the same shall be approved, in writing, and a permit given therefor by the health commissioner.

§ 51. Every tenement or lodging house shall have the proper and suitable conveniences or receptacles for receiving garbage and other refuse matters. No tenement or lodging house, nor any portion thereof, shall be used as a place of storage for any combustible article, or any article dangerous to life or detrimental to health ; nor shall any horse, cow, calf, swine, pig, sheep or goat be kept in said house.

§ 52. Every tenement or lodging house, and every part thereof, shall be kept clean and free from any accumulation of dirt, filth, garbage or other matter in or on the same or in the yard, court, passage, area or alley connected with or belonging to the same. The owner or keeper of any lodging house, and the owner or lessee of any tenement house or part thereof, shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, cess-pools and drains thereof of the house or part of the house of which he is the owner or lessee, to the satisfaction of the health commissioner, so often as shall be required by or in accordance with any regulation or ordinance and shall, well and sufficiently, to the satisfaction of the said commissioner, whitewash the walls and ceilings thereof twice at least in every year, and in the months of April and October, unless the said commissioner shall otherwise direct. Every tenement or lodging house shall have legibly posted or painted on the wall or door in the entry, or some public accessible place, the name and address of the owner or owners, and of the agent or agents, of any one having charge of the renting and collecting of the rents for the same ; and service of any

papers required by this title, or by any proceedings to enforce any of its provisions, or of the provisions relating to the department of health, shall be sufficient if made upon the person or persons so designated as owner or owners, agent or agents.

§ 53. The keepers of any lodging house, and the owner, agent of the owner, lessee and occupant of any tenement house, and every other person having the care or management thereof, shall, at all times, when required by any officer of the department of health, or by any officer upon whom any duty or authority is conferred by this title, give him free access to such house and to every part thereof. The owner or keeper of any lodging house, and the owner, agent of the owner, and the lessee of any tenement house, or part thereof, shall, whenever any person in such house is sick of fever, or of any infectious, pestilential or contagious disease, and such sickness is known to such owner, keeper, agent or lessee, give immediate notice thereof to the department of health, or to some officer of the same, and thereupon the health commissioner shall cause the same to be inspected, and may, if found necessary, cause the same to be immediately cleansed or disinfected at the expense of the owner, in such manner as he may deem necessary and effectual; and may also cause the blankets, bedding and bed clothes used by any such sick person to be thoroughly cleansed, scoured and fumigated, or, in extreme cases, to be destroyed.

§ 54. Whenever it shall appear to the satisfaction of the health commissioner, that any building or part thereof is unfit for human habitation, by reason of its being so infected with disease as to be likely to cause sickness among the occupants, or by reason of its want of repair has become dangerous to life, he may issue an order, and cause the same to be affixed conspicuously on the building or part thereof, and to be personally served upon the owner, agent or lessee, if the same can be found in this State, requiring all persons therein to vacate such building for the reasons to be stated therein as aforesaid. Such building or part thereof shall, within ten days thereafter, be vacated; or within such shorter time, not less than twenty-four hours, as in said notice may be speci-

fied; but said commissioner, if he shall become satisfied that the danger from said house, or part thereof, has ceased to exist, may revoke such order, and it shall thenceforth be inoperative.

§ 55. It shall not be lawful to erect for, or convert to, the purposes of a tenement or lodging house, a building on any lot where there is another building on the same lot, unless there is a clear, open space exclusively belonging thereto, and extending upwards from the ground, of at least ten feet between said buildings, if they are one story high above the level of the ground; if they are two stories high, the distance between them shall not be less than fifteen feet; if they are three stories high, the distance between them shall not be less than twenty feet; and if they are more than three stories high, the distance between them shall not be less than twenty-five feet. At the rear of every building hereafter erected for or converted to the purposes of a tenement or lodging house on any lot, there shall be a clear, open space of not less than ten feet between it and the rear line of the lot. But when thorough ventilation of such open spaces can be otherwise secured, such distances may be lessened or modified in special cases, or the open spaces may be dispensed with on corner lots by a permit from the department of health.

§ 56. In every such house every habitable room, except rooms in the attic, shall be in every part not less than eight feet in height from the floor to the ceiling; and every habitable room in the attic of any such building shall be at least eight feet in height from the floor to the ceiling, throughout not less than one-half the area of such room. Every such room shall have at least one window connecting with the external air, or over the door a ventilator of perfect construction, connecting it with a room or hall which has a connection with the external air, and so arranged as to produce a cross current of air. The total area of window or windows in every room communicating with the external air shall be at least one-tenth of the superficial area of every such room; and the top of one, at least, of such windows shall not be less than seven feet and six inches above the floor, and the

upper half, at least, shall be made so as to open the full width. Every habitable room of a less area than one hundred superficial feet, if it does not communicate directly with the external air, and is without an open fireplace, shall be provided with special means of ventilation, by a separate air shaft, extending to the roof, or otherwise, as the commissioner of health may prescribe.

§ 57. Every such house shall have adequate chimneys running through every floor, with an open fire place or grate, or place for a stove, properly connected with one of said chimneys, for every family and set of apartments. It shall have proper conveniences and receptacles for ashes and rubbish. It shall have Ridgewood, or other water furnished at one or more places in such house, or in the yard thereof, so that the same may be adequate and reasonably convenient for the use of the occupants thereof. It shall have the floor of the cellar properly cemented, so as to be water tight. The halls on each floor shall open directly to the external air, with suitable windows, and shall have no room or other obstruction at the end, unless sufficient light or ventilation is otherwise provided for said halls, in a manner approved by the health commissioner.

§ 58. A tenement house within the meaning of this act, shall be taken to mean and include every house, building or portion thereof which is rented, leased, let or hired out to be occupied, or is occupied as the home or residence of three families or more, living independently of each other, and doing their cooking upon the premises, or by more than two families upon a floor, so living and cooking, but having a common right in the halls, stairways, yards, water closets or privies, or some of them. A lodging house shall be taken to mean and include any house or building, or portion thereof, in which persons are harbored or received, or lodged for hire for a single night, or for less than a week at one time, or any part of which is let for any person to sleep in for any term less than a week. A cellar shall be taken to mean and include every basement or lower story of any building or house of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining.

§ 59. The health commissioner shall have authority to make other regulations as to cellars and as to ventilation, consistent with the foregoing, where he shall be satisfied that such regulations will secure equally well the health of the occupants.

§ 60. All ash holes or ash houses within the said district of the City of Brooklyn shall be built of brick or stone, without the use of wood in any part thereof.

§ 61. The commissioner of buildings shall, twice in each year, namely, in the months of June and December, and as much oftener as he may think proper, examine or cause to be examined, the dwelling houses and other buildings in the city for the purpose of ascertaining all violations of any laws and ordinances for the more effectual prevention of fires, and also to inspect the fire places, hearths, chimneys, stoves and pipes thereto, ovens, boilers, heaters and all chemical apparatus, or other things and substances which, in his opinion, may be dangerous in causing or promoting fire, or dangerous to firemen or occupants in case of fire, and also the places where the ashes may be deposited; and it shall be lawful for him or any of the inspectors of buildings to enter into or upon any lands or buildings for the purpose of such inspection; and it shall be their duty, upon finding anything defective or dangerous, to direct the owner or occupant, by a written or printed notice, to alter, remove or amend the same, in such a manner and within such a reasonable time as they may deem necessary; and in case of any neglect or refusal to do so the party offending shall forfeit and pay the sum of fifty dollars, and for every twenty-four hours after the time allotted aforesaid to alter, remove or amend the same in conformity with the directions aforesaid, the party or parties offending shall forfeit and pay the further sum of ten dollars.

NOTE.—This entire title was amended by Chapter 481, Laws 1894. Section one to section forty-two, inclusive, is new. Section forty-three to sixty-one, inclusive, consist of former sections of the title renumbered (see section two of said act). Section three of said act provides for buildings in the process of erection at the time of the passage of the act.

TITLE XV

DEPARTMENT OF CITY WORKS.

SECTION 1. The head of the department of city works is hereby designated the commissioner of city works. He shall be appointed by the mayor, as hereinbefore provided. His term of office shall be two years, and shall commence on the first day of February next succeeding his appointment. He shall receive an annual salary of five thousand dollars, payable in monthly instalments. He may appoint, during pleasure, a chief engineer, a water* register, a water purveyor, a secretary and such and so many other subordinate officers and employes as the water service may require. He shall have charge and control, subject to the direction of common council, except as otherwise provided in this act, of the records and papers of the department, hereby declared to be public records, and of the following works and property, namely :

1. Of all structures and property connected with the public water works, the supply and distribution of water, and the collection of the water revenue.

2. Of construction and maintenance of public sewers and drainage.

3. Of opening, altering, regulating, grading, regrading, curbing, guttering and lighting streets, avenues, places and roads, flagging sidewalks and laying cross-walks.

4. Of constructing and repairing public roads, extending beyond the limits of paved streets.

5. Of the care of public buildings and offices.

6. Of the filling of sunken lots and fencing vacant lots.

7. Of digging down lots, licensing of street vaults, cisterns and cesspools.

8. Of paving and repaving and repairing and cleaning streets, avenues and places, and keeping the same clear of encroachments, obstructions and incumbrances.

9. Of digging, constructing and repairing wells and pumps.

* So in original.

10. Of making and preserving all surveys, maps, plans, estimates and drawings relating to the laying out and improvements of streets, avenues, roads and sewers; the construction, altering and repairing of public structures, buildings and offices, and all other public works under the care of the said department.

§ 2. There shall be the following bureaus in the department of city works, the chief officers, subordinates and employes of which shall be appointed and removed at pleasure by the commissioner of city works, as provided by section two of title three of this act.

1. A bureau having the care of all the ponds, conduits, reservoirs, engines, pumps and lands connected with water works; the construction of any new work relating thereto; the construction of sewers; the grading, curbing, guttering, paving, repaving and repairing of all streets, avenues and places; constructing and repairing roads, flagging and repairing sidewalks, laying crosswalks, filling sunken lots, digging down lots, fencing lots, constructing and repairing of wells and pumps, setting of lamp-posts, building docks, bulkheads, and repairing the same, building and repairing bridges; making and preserving all maps and surveys, plans, estimates and drawings, relating to the laying out, regulating, grading, paving, numbering and renumbering of all streets and avenues, and any other public improvement to be done by or under the supervision of the department, and the supervision of altering and repairing all public buildings, offices and structures, the chief officer of which shall be called the "chief engineer."

2. A bureau having the care of the extension and distribution of the water, laying of the water pipes, the setting of all water meters, taking and preserving their record, the sale of water to shipping, the setting and repair of fire and drinking hydrants, the chief officer of which shall be called the "water purveyor;" provided that the said commissioner shall not have the power to direct the use of any special stop-cock or other plumbing material, but may prescribe the size and strength. Whenever the water purveyor shall receive a

report in writing from a member of the fire department, as hereinbefore provided in this act, showing that any fire hydrant is clogged up, frozen or out of repair, or for any other reason is not in good working order, it shall be the duty of the water purveyor to cause such hydrant to be immediately put in good order.

Chap. 104, Laws of 1894, Subd. 2, Sec. 2.

3. A bureau for the collection of the revenue arising from the sale and use of water, the chief officer of which shall be called the "water registrar," and the provision of the fifth section of title seven of this act shall apply to the registrar of water rates in like manner as they apply to the collector of taxes and assessments.

4. A bureau for the inspection, cleaning, granting permits for sewer connections and their inspection and the general care of all sewers, to be called "superintendent of sewers."

5. A bureau having the care and charge of street cleaning, removing ashes and garbage, keeping the streets, avenues and places free and clear of all encroachments, obstructions and incumbrances, regulating the occupancy of streets by licensed hacks, carts and trucks, granting builders' permits, putting up street signs, cleaning and repairing public lamps, inspection of gas and lamps, the erection of awnings, the chief of which shall be called the "superintendent of streets."

6. A bureau having charge of furnishing fuel, furniture, utensils, books, stationery and all needed articles for all public offices (including the city courts), excepting as may be otherwise provided for, and all supplies shall only be furnished upon a requisition signed by the proper officers and approved by the head of the department; the chief of such bureau shall be called "superintendent of supplies."

§ 3. The said commissioner of city works shall recommend to, and the common council shall, by ordinance, establish a scale of annual water rates for the supply of water, to be called the scale of "regular rents," by way of distinction from the assessments hereinafter directed, and adapted to the different classes of buildings in said city, with reference to their dimensions, values, exposures to fires, their ordinary

uses for dwellings, stores, shops, private or other stables, or other common purposes, number of families or other occupants, or probable consumption of water, as near as may be practicable, and may change said scale from time to time, and also extend it to other descriptions of buildings, occupants and uses; such rents shall be collected from the owners and occupants of all such buildings, respectively, which shall be situated upon lots adjoining any street, avenue, lane or court in said city in which the distributing water pipes shall have been laid, and from which they can be supplied with water, whether the water shall be used or not. Hotels, factories, stables, livery stables and other buildings and establishments, which shall consume extra quantities of water, and steamboats and shipping may, in addition to the regular rates, be charged with rents to be called "extra rents," to be established in like manner as the regular rents. Water may be distributed from said works for any use in Kings, Queens and adjacent counties, upon such terms and conditions as may be prescribed by the said commissioner, subject to the ordinances of the common council. All regular rates heretofore laid or which may hereafter be laid for the use of water, and all rents imposed for extra water closets, and for each street-washer, together with the interest chargeable thereon, as provided in title seven, section ten, after the same are payable, shall be a lien upon the premises on which they are charged, and may be collected from the owner or occupants; such liens shall be enforced in the same manner as herein provided for the collection of taxes. All charges for extra water shall be payable by the person using or receiving such extra water at such times and in such manner as the common council, or, in default thereof, the commissioner of city works, may direct.

§ 4. All water rates and water rents shall be paid to and collected by the said department of city works. All moneys received by the said department shall be paid daily to the treasurer of the City of Brooklyn, who shall keep a separate account of all moneys received from and paid on account of the water works. He shall hold all moneys paid in on account of the water works, and shall pay them out as provided by this act, and not otherwise.

§ 5. The price of rents to be fixed for the use of water to be supplied by the said works, shall, as far as may be reasonable and practicable, be regulated and adjusted so as to pay from the net income the interest upon, and ultimately the principal of the bonds. After the payment or deduction of all expenses and charges of maintenance and distribution, the net surplus income from said works shall be set apart as a special sinking fund, to be denominated "the water sinking fund," and shall be appropriated and applied for and towards the payment of the principal and interest of the said bonds, and shall be under the management and control of the mayor, comptroller and treasurer of said city, or the major part of them for the time being, who shall be the commissioners of the said fund, and shall apply the same solely to the use and purpose aforesaid, until the principal and interest of the said bonds shall be fully paid and discharged.

§ 6. The said commissioner of city works shall, in every year, by resolution, fix the price which shall be assessed (over and above the regular rent and the special rent hereinbefore provided for) upon every vacant lot situated upon any street, lane, alley or court through or into which distributing pipes shall have been laid, until the bonds issued for the construction of the said works, with the interest thereon, shall have been paid, and thereafter they shall be adjusted so as to, with the other provisions of this act respecting income from said works, meet the expense of repairs, maintenance and extension of said works. The net proceeds or income of said works shall be paid into the said special sinking fund, as herein provided. Such sums so assessed, together with percentages for defaults, as provided by section four of title seven of this act, shall be a lien upon the said premises respectively, and the same may be collected and enforced in the same manner as the annual county taxes are collected and enforced in said city.

An act to amend an act, entitled, "An act to provide for the supply of the City of Brooklyn with water," passed April sixteen, eighteen hundred and fifty-nine.

SECTION 1. The act entitled "An act to provide for the supply of the City of Brooklyn with water," being chapter three hundred and ninety-six of the laws of eighteen hundred and fifty-nine, is hereby amended by adding at the end thereof a section to be known as section thirty, as follows :

§ 30. The commissioner of the department of city works shall make up and complete by the fifteenth day of March in each year, books containing the amount of the annual water rate or rent to be levied, assessed or charged upon each and every parcel of land, occupied or vacant, and each and every building in the City of Brooklyn, which books shall be kept open for examination and correction until the fifteenth day of April when they shall be closed. During the time said books shall be open said commissioners shall give notice thereof by publication in the corporation newspapers of the City of Brooklyn, and during that time application may be made by any person aggrieved by the amount charged upon or against his property. Such application must be in writing and must state the grounds of the objection.

§ 2. This act shall take effect immediately.

Chapter 44, Laws of 1888.

§ 7. There shall be added to the general tax of the City of Brooklyn at large, yearly hereafter, and levied and collected therein, such sum of money, if any, which in the judgment of the mayor and comptroller may be necessary to pay to the sinking fund for the full and final redemption of the bonds issued on account of said water works. And also there shall be added to the said general tax of said city at large, yearly hereafter, such further sums of money in each year as shall be necessary to pay any deficiency which the net income of the water works, after paying the annual expenses thereof, shall be insufficient to pay off the interest for any year on any such bonds. It shall be the duty of the mayor and comptroller of said city to estimate and ascertain the amount of such deficiency, and transmit a statement of the same in each year to the board of estimate in time to have such amount included in the general tax of the said city for that year; it shall be the duty of the supervisors of the County of Kings to cause such amount to be included in such general tax.

Chapter 453, Laws of 1890.

§ 8. The moneys directed by the preceding section to be paid into the said water sinking fund shall be invested by the commissioners of said fund in the several and respective public stocks or bonds issued by the City of Brooklyn, by the County of Kings, by the State of New York, or by the United States.

§ 9. The commissioner of the department of city works shall make up and complete, by the fifteenth of March in each year books containing, the amount of the annual water-rate or rent to be levied, assessed or charged upon each and every parcel of land occupied or vacant, and each and every building, which books shall be kept open for examination and correction until the fifteenth day of April, when they shall be closed. During the time said books shall be open said commissioner shall give notice thereof by publication in the corporation newspapers of the City of Brooklyn, and during that time application may be made by any person aggrieved by the amount charged upon or against his property. Such application must be in writing and must state the grounds of the objection. The commissioner of city works shall cause to be prepared and transmitted to the registrar of arrears, on or before the first day of June in each year, a separate account for each ward of all items for water rates of the last preceding water year ending on the last day of April, which may remain unpaid, with the amount due on each lot, and shall include in such account all amounts for water rates of any previous year which may have been omitted in former returns to said registrar, and shall, at the same time, notify the comptroller, in writing, of the aggregate amount of such arrears of each year so returned; and said department shall thereafter receive no payments on account of the same, but may, nevertheless, certify to the registrar of arrears any omissions or overcharges which may have been made in any such return to him, which shall, upon such certificate, be duly added or cancelled by said registrar; provided, however, that no such amount shall be cancelled or remitted after the same has been settled.

§ 10. The said commissioner of city works is hereby charged with the duty of managing said works so as to

attain the objects for which they are constructed, and of keeping them in a state of efficiency and repair; and he is authorized from time to time to expend such sums of money as shall be appropriated by the common council for those purposes.

§ 11. The commissioner of city works, by and with the consent of the common council, is hereby authorized from time to time to purchase such additional land, and under existing provisions of law extinguish such additional water rights as may be necessary for the use, protection or extension of the water works, of the City of Brooklyn; and to purchase such additional pipes, machinery and other materials as may be necessary for the distribution of water; and the increase of the cost of said water works occasioned thereby, and all incidental expenses incurred and to be incurred in the extension, construction and management of said works, except as hereinafter otherwise provided for, shall be met by the issue of bonds of the city, to be issued by the mayor, comptroller and city clerk from time to time, as the same shall be required, for the purposes aforesaid, bearing interest at the rate of not exceeding four per cent. per annum, payable half-yearly, on the first day of January and July in each year.

§ 12. For the purpose of extending the water works of the City of Brooklyn or increasing the efficiency of the present works, the said city may purchase, take and hold any real estate necessary for the purpose, and by its agents, directors, servants or other persons employed, may, on making compensation therefor, in the manner provided for in this title, enter upon the lands of any person or persons which may be necessary for that purpose, and may take the water from any springs, ponds, wells, fountains, streams, or other sources, and divert and convey the same to said city, and may lay and construct any pipes, conduits, aqueducts, canals, wells, reservoirs, or other works or machinery necessary or proper for said purpose, upon any lands so entered upon, purchased, taken or held. Said city may, as aforesaid, enter upon any lands, streets, highways, roads, lanes or public squares through which they may deem it proper to carry the

water from said springs, fountains, ponds, rivers, streams, wells, reservoirs or other sources, and lay and construct therein any pipes, conduits, aqueducts, canals, or other works, for that purpose, leaving the said lands, streets, highways, roads, lanes, or public squares in the same condition, as nearly as may be, as they were before said entry.

§ 13. Before entering, taking or using any land for the purpose in the last section mentioned, the City of Brooklyn shall cause a survey and map to be made of the lands intended to be taken or entered upon for any of the said purposes, and by which the land of such owner or occupant, intended to be taken or used, shall be designated, and which map shall be signed by the surveyor or engineer making the same and by the commissioner of city works, and be filed in the office of the clerk of the County of Kings. The City of Brooklyn, by any two of its officers, agents or servants, may enter upon any lands for the purpose of making any examination and of making said survey and maps.

§ 14. In case the commissioner of city works cannot agree with the [said owners and occupant of any land or water intended to be taken or used as aforesaid, for the purchase thereof, the said commissioner of city works may apply to the supreme court at any term or session thereof held in the second judicial district, or to the county court of said County of Kings for the appointment of three commissioners of appraisal, by whom the compensation to be paid for the damages suffered or to be suffered by any person or persons by reason of taking of of* said lands and water and constructing any of the works of said City of Brooklyn, shall be ascertained and determined, and in case of the death, resignation, refusal or disability to act of any of said commissioners, the court may appoint others in their places. The commissioners shall cause a notice of at least twenty days of the time and place of their meeting to be served upon such of the owners of the said land and water as can be found in this State, which may be served personally, or, in their absence from their dwellings or place of business, by leaving the same thereat with some person of suitable age, and in case of any legal dis-

*So in the original.

ability of such owner to act, thereupon serving notice in like manner upon his guardian or person appointed to act for him as hereinafter directed, and in case any of said persons cannot be found in this State, such notice shall be given by publishing the same for six weeks successively in two newspapers published in said city, and if any of said owners shall be married women, insane, infants or idiots, the said court shall appoint some suitable person to attend in their behalf before the said commissioners and take care of their interests in the premises. The commissioners may issue subpoenas to compel the attendance of witnesses to testify before them, and they or any of them may administer the usual oaths to such witnesses. They shall make a written report of all their proceedings, containing the testimony taken by them and showing the sum awarded to each owner or other person, and return the same to said court to be filed on record. The City of Brooklyn shall pay to each commissioner the sum of three dollars per day for every day necessarily spent by him in the performance of his duty under this act, and to each witness sworn and testifying, and if not sworn and testifying, who the commissioners shall certify was properly and necessarily subpoenaed, the sum of one dollar per day and four cents per mile travel in going and returning, if living more than three miles from the place of meeting. The said commissioner of the city works or any party to the proceedings of the said commissioners of appraisal may appeal from any award or determination of the said commissioners, provided the party appealing shall, within ten days after such award or determination shall be made, give written notice of the appeal to the said court; the said court shall examine the report of the said commissioners, and if their proceedings in the case have been irregular, the said court may set the same aside, and order new proceedings and appraisements, and the said court may make such order in reference to the proceedings of the said commissioners and of notices to be given to parties as may not be inconsistent with this act, and as the nature of the case and the interests of the parties may require; and the said commissioners shall again examine the case and their decision then made shall be final. If at any time an attempted

or actual ascertainment of compensation under this act, or any purchase of lands or water for the use of said City of Brooklyn the title acquired to all or any part of said land or water shall fail or be deemed defective, the said commissioner of city works may proceed anew to perfect such title by procuring an ascertainment of the compensation proper to be made to any person or persons whose title, claim or interest in, or lien upon such lands, shall not have been compensated and extinguished according to law, and by making payment thereof in the manner heretofore provided, as near as may be. Upon the payment or legal tender of the compensation, determined as before provided, the said City of Brooklyn shall be entitled to enter upon for the purposes contemplated by this act, all the lands, waters, and real estate for which such compensation shall be paid or tendered as herein provided, and to hold and use the same for the said purposes to it and its successors forever. If any person to whom any compensation shall be awarded or who shall be entitled to the same by virtue of said award, cannot be found or shall refuse to receive the sum awarded to him, then the said payment may be made by depositing the amount of said award to the credit of said person in such bank as may be appointed by said court, a certificate of such deposit, signed by the cashier of said bank, shall be published by the said commissioner of city works in the corporation newspapers published in said city for four weeks successively immediately after said deposit. If the person to whom compensation is awarded, or who is entitled to receive the same as aforesaid, be under legal disability as aforesaid, payment may be made to his guardian, or person appointed as aforesaid by the said court, as*, if said guardian or person appointed cannot be found, then by deposit in bank as aforesaid. The said City of Brooklyn shall also take and hold, for the purposes contemplated by this act, all the lands, waters, and real estate which they shall in any way legally enter upon and take by virtue thereof to it and its successors forever.

§ 15. The said commissioner of city works may draw upon

*So in original.

the comptroller of the City of Brooklyn for any sum in favor of and to be paid to the owner of any lands, streams or property acquired or affected by virtue of this title, and also for any sum to be paid for any charges and expenses incurred by him in the performance of his duties pursuant to section fourteen of this title. Such drafts shall specify the objects for which they are drawn, and shall be paid by the said comptroller on their presentation.

§ 16. The said commissioner of city works shall fix the times when all water rents shall be payable. He may make regulations as to the times and mode of using the water and testing the quantity used, and the rules and restrictions for such use, printed on each water permit, shall be notice to the water takers, and shall authorize the exaction and recovery, by due process of law, of any penalties which the said commissioner of city works may impose in addition to the cutting off the use of the water, for any violation of the rules; and this section shall be printed on such permits.

§ 17. The said commissioner of the city works, shall cause hydrants to be placed in the public streets, wherever he may deem them necessary, to be used for the extinguishment of fires and other purposes, and may prescribe and limit their uses; and any use thereof in violation of the regulations which said commissioner of city works may impose, is hereby declared to be a misdemeanor, for which any person offending may be punished according to law. The said common council, may, by ordinance, prescribe penalties for the violations of said regulations; and the said commissioner of of*city works, in the name and for the use of the City of Brooklyn, to the credit of the water fund, may sue for and recover such penalties, with treble costs, in any court, and such actions shall be conducted under the direction of the department of law.

§ 18. The said commissioner of city works may, upon such terms and conditions as he may provide, license plumbers to open streets and bore pipes, and make the necessary connections therewith to conduct the water upon any premises for

*So in original.

use, and may prescribe a license fee to be paid by such plumbers, and may require from them security against damage and for the faithful performance of such duties.

Chap. 133, Laws of 1891.

§ 19. It shall not be lawful to establish any cemetery or place of burial, or burial vaults or other place for the reception or burial of dead bodies, or to bury or deposit in vaults any dead body within a distance of half a mile of the Ridgewood reservoir, or any other reservoir or any other pond used for the supply of the City of Brooklyn with water. But nothing herein contained shall be construed to prevent burials in any cemetery already established or grounds now held by any religious corporation or society organized under the laws of this State.

§ 20. Any person or persons, their aiders and abettors, who shall wilfully divert or cause a diversion of the water, or any portion thereof, or shall corrupt or render the water unpleasant or impure, or shall destroy or injure any canal, aqueduct, conduit, reservoir, pipe, hydrant, fountain, gate, machinery or other property, part, parcel or appurtenance of the said works required or used for procuring, securing or distributing the water, shall severally forfeit to the said department, for the use of the City of Brooklyn, to be recoverable in any proper form of action, treble the amount of damages proved to have been occasioned thereby, with treble costs of such action; and all such acts are hereby declared misdemeanors, and any person convicted of any such act shall be further punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both in the discretion of the court.

§ 21. The said commissioner of city works shall, in the name of the City of Brooklyn, cause to be prosecuted or defended by the department of law all actions and proceedings at law and in equity for money due for the use of water or for the violation of any ordinance or regulation respecting the water works or water, or for the breach of any express or implied contract relating to the construction, extension or management of the water works or the distribution of water; and also for any injury or nuisance to the water-courses, ponds,

canals, conduits, reservoirs, pipes, machinery, buildings, fences, crossings, fixtures, or anything appurtenant to the said water works, or for any improper use or waste of the water within or beyond the City of Brooklyn.

§ 22. The commissioner of city works shall, on the first Tuesday of February in each year, make a written report to the common council of the condition of the works under his charge up to the first day of January preceeding, accompanied by a statement of receipts and expenditures on account of the same; and shall, on or before the first Monday in May in each year report to the common council working plans for the ensuing year under the several heads of repairs, purchase and laying of mains and pipes and new work, with an estimate of the quantity of work under each head of expenditure which it shall be proposed to undertake, and of the costs of each, and of the amount of salaries and contingencies to be incurred, and exhibiting a total of the expenditures contemplated to be made during the ensuing twelve months from the first day of May then next. The appropriations which the common council shall make for the preservation and repair of the works shall be applied to those objects alone for which the appropriations shall be made, and the expenditure for any object shall not exceed the appropriation therefor.

§ 23. It shall be the duty of the standing water committee of the common council to inspect the said water works thoroughly once in every year, and make a written report thereon to the common council.

§ 24. The lands which shall be occupied by or used for the said works in Queens County, shall be taxed at the value of the adjacent lands used for agricultural purposes, exclusive of any improvements thereon, and all such improvements are hereby declared to be exempt from taxation, except that in the County of Queens, dwelling houses and machine or pumping-houses upon such lands may be taxed in the same manner as the lands of individuals.

§ 25. The commissioner of city works shall have power, and it shall be his duty to devise and frame from time to time a plan or plans for completing and perfecting the

sewerage system of Brooklyn by the further extension of existing sewers, and by pumping, or such other means as may be deemed necessary or appropriate, to insure a more perfect system of drainage, for the purpose of thoroughly draining and carrying off the surface water and filth proper to be carried off by sewers for the health and convenience of the inhabitants of said city or to prevent an overflow from any main or sub-main sewer heretofore constructed and completed in any sewer district of said city, under and according to the general plan or plans for sewers herein provided for. No plan shall provide for carrying out any sewer into or under the East river or tide waters bounding said city beyond the pier line established by law; the plan shall show the location and direction, size and slope of each drain and sewer, whether mains or laterals, and its depth below the surface and connections with other drains and sewers, and such other particulars as may be necessary and proper for the purpose of presenting a complete and entire plan of such drainage and sewerage; and also an estimate or estimates of the cost of each of the auxiliary or relief sewers, and whenever the plans of auxiliary or relief sewers aforesaid for any one sewer district are completed, with an approximate estimate of the cost of the improvement, such plans and estimate of the costs thereof shall be submitted for approval to the common council. The commissioner of city works shall have access, for all his purposes, to all maps, surveys and documents in the public offices of said city; he shall appoint one general superintendent; the said superintendent shall apportion all sewer assessments hereinafter mentioned, and perform and execute such other duties under this act as the said commissioner may delegate to him, in the same manner and with the same effect as if performed and executed by the said commissioner. Jurisdiction and control over all streets and avenues in the City of Brooklyn is hereby granted to said commissioner for the purpose of executing the duties imposed on him by this title. The plans aforesaid shall include storm or overflow sewers at such points as the commissioner of city works shall deem necessary, and may provide for the connection of one sewer district or portion thereof with another sewer district.

§ 26. Whenever the said commissioner has prepared the said plan or plans of drainage and sewerage, in whole or in part (excepting those of said auxiliary or relief sewers) he shall cause public notice to be given in the corporation newspapers published in the City of Brooklyn that such plan has been filed in his office for inspection, and that he will attend at a time and place in said city to be specified in said notice, not less than twenty days after the first publication of such notice, when he will receive the views and suggestions and objections of any parties interested in the drainage and sewerage of said city; the said commissioner shall hear such parties at the time and place so specified, or at any adjourned meeting then and there proclaimed, and shall thereupon amend and correct the same as he may deem proper, and file a copy thereof, as amended and corrected, and duly certified by him, in the department of city works, and in the office of the register of the County of Kings, whereupon the plan, or any part thereof therein set forth, shall form a part of the permanent plan of sewerage of the City of Brooklyn.

§ 27. If the said common council shall by resolution of a majority of its members approve any plan or plans submitted to it for the more perfect delivery of sewage and surface water by auxiliary or relief sewers as aforesaid from and through existing sewers as aforesaid, it shall thereupon become the duty of the commissioner of city works to proceed and construct the sewer or sewers, as the case may be, according to the plan or plans so approved. Providing, however, that the said common council may, in manner aforesaid, upon the recommendation of the commissioner of the said department, from time to time, amend, or modify any plan or plans so approved by it.

§ 28. All work contemplated to be done by any plan of auxiliary or relief sewers approved as aforesaid, shall be done by contract, to be let in the manner hereinafter prescribed, but the same may be let in one or more contracts as to the said commissioner may seem meet and for the best interests of said city. The terms and conditions of such contracts shall be fixed in specifications to be prepared by the said

commissioner and filed in his department before proposals for the work are invited. The specifications shall require adequate security to be given for the performance of the contract. The said commissioner shall advertise in the corporation newspapers for ten days for proposals to perform the work in accordance with the specifications. Before so advertising, he shall fix an amount to be paid to said city as liquidated damages by the bidder in case he shall fail to execute the contract within the time limited by the specifications, if it shall be awarded to him. Each proposal must be accompanied by a certified check on a solvent banking incorporation in said city in the amount so fixed, and drawn to the order of the comptroller thereof. The check so deposited, shall be returned to the unsuccessful bidders, and the check deposited by the successful bidder shall be returned to him upon his executing the contract and furnishing the security required by the specifications. But if the bidder to whom the contract shall be awarded shall neglect or fail to execute the same within the time limited by the specifications, or within the same time, to furnish the security for the execution of the contract thereby required, the check deposited by him and the amount thereof shall be forfeited to said city and retained by it to its own use as liquidated damages for such neglect or failure. The said commissioner may reject any and all bids offered in pursuance of any advertisement therefor made by him, and re-advertise for new bids under the same or other specifications, until a contract for the work covered by the specifications shall be actually made and entered into by him in behalf of said city.

§ 29. The expenses attending the construction of drains and sewers, except such auxiliary or relief sewers as aforesaid, shall be borne as follows, that is to say: The amount of so much of the expense of constructing any main drain or sewer, as shall, in the judgment of the said commissioner of city works, exceed the cost of a proper lateral drain or sewer for the street in which such main drain or sewer shall be laid, shall be assessed upon the owners of lands other than those fronting on such streets or avenues as shall be drained

by or discharge their waters through any lateral sewer into such main drain or sewer, in proportion to the benefit derived by such owners respectively by such main drain or sewer, not exceeding any actual benefit derived therefrom by them respectively; the balance of such expenses for the construction of any main drain or sewer, and the expenses of constructing any lateral drain or sewer, shall be assessed by the said commissioner of city works upon the owners of lots fronting on the streets and avenues through which such sewer shall be laid, in proportion to the benefit derived by them respectively, not exceeding the actual benefit derived therefrom by them respectively.

§ 30. The said commissioner shall cause assessments for the expenses as aforesaid of each sewer constructed by him, the expense of which is required to be defrayed by assessment, to be made out in proper form, with diagrams showing the property assessed, and the names of the owners thereof, and when such assessment is made, publish a notice in the corporation newspapers that the same has been completed, and of a place in said city where the same may be examined, and of a time not less than ten days thereafter, when, and of a place in said city where he will attend to hear objections thereto: he shall then and there hear parties objecting, and shall thereupon proceed to amend and correct such assessment as he may deem proper: he shall then certify the same to be complete, and send the same so certified to the common council of said city, and thereupon such assessments shall be deemed to be a local assessment within the operation of this act, and the assessment therein made shall become a lien upon the lands so assessed, and the owners of the lands so assessed shall be liable to pay such assessments, and the common council shall issue to the collector of taxes and assessments, a warrant for the collection thereof, and all the provisions of this act in respect to the enforcement of the lien of assessments for local improvements, and the collection of such assessments shall apply to and govern all assessments made pursuant to this section. Whenever in any case it shall be found necessary to maintain a pump or pumps for the purpose of raising sewerage a sum sufficient to cover the expense

thereof shall be levied in the annual tax levy upon the sewer district benefited thereby. To meet such cash outlay in the construction of sewers (in anticipation of the collection of assessments) as the said commissioner of city works may deem necessary, the mayor, comptroller and city clerk of the said city, shall, on the requisition of said commissioner of city works, and from time to time as so required, borrow such sums, not to exceed two millions of dollars outstanding at any one time, upon the bonds of the said city, which they are hereby authorized to issue for that purpose, bearing interest not to exceed four per centum per annum, and payable in not more than three years from their respective dates. The proceeds of such bonds shall be paid to the city treasurer.

§ 31. To meet the cost of the construction of the auxiliary sewers referred to in section twenty-five of this title, the mayor, comptroller and city clerk of said city shall on the requisition of the commissioner of city works and from time to time as so required, borrow the necessary sum or sums of money, not to exceed in the aggregate the sum of two million dollars, upon the bonds of said city, which are hereby authorized to issue for that purpose, bearing interest at a rate not to exceed four per centum per annum. The said bonds shall not be sold for less than par, and shall be issued in such series and for such periods as the comptroller and mayor shall determine. The proceeds of said bonds shall be paid into the city treasury to the credit of the fund to be denominated "main sewer relief and extension fund," and shall be paid therefrom upon proper vouchers in the usual manner as may be required for said purpose. To meet the payment at maturity of any bonds issued prior to the first day of April, eighteen hundred and eighty-nine, for the construction of auxiliary sewers, there shall be placed annually in the tax levy of the City of Brooklyn such sum of money as the mayor and comptroller of said city shall certify to the "board of estimate of the County of Kings and the City of Brooklyn," to be necessary for such purpose; the money so levied when collected shall be paid into the sinking fund of the said city for the purpose of redeeming the bonds so issued. In case any moneys for the construction of auxiliary sewers shall be

required beyond the amount of bonds authorized by this section to be issued, the said board of estimate is hereby authorized from year to year to fix and determine what sums of money ought to be spent in the following year for the construction of said sewers, and the sums so fixed and determined shall be included in the tax levies of said city.

Chap. 379, Laws of 1894.

(See Chap. 354, Laws of 1889 and Chap. 169, Laws of 1888.)

§ 32. In case the said commissioner of city works shall, in devising and framing a plan or plans of sewerage and draining, find it necessary to construct a sewer or drain through any part of any street or avenue not opened by law, and such sewer or drain cannot be constructed so as to properly drain any portion of said city without carrying the same through any part of said street or avenue not opened as a public street or avenue, it shall be lawful for said commissioner to present a petition to the supreme court, at a general or special term thereof, held in the City of Brooklyn, for the appointment of commissioners to proceed to open said streets or avenues in the manner provided by law for opening streets and avenues, by petition to the common council of said city, and the said court, upon such application, shall be authorized to appoint such commissioners; ten days' notice of such application shall be published in the newspapers employed by the common council of the city of Brooklyn for the publication of ordinances and notices, stating the time and place when such petition will be presented to the court; all parties in interest may be heard before said court, and if said court shall make an order for the appointment of such commissioners, then all the laws in relation to opening streets and avenues in said city, the awarding of damages, making assessments a lien and fixing districts of assessments, and collecting such assessments, shall be applicable thereto, in the same manner as if such street or avenue had been opened on petition to the common council of said city.

§ 33. In case any plan or plans approved pursuant to the provisions of section twenty-five of this title shall contem-

plate the construction of any sewer or sewers or parts thereof, through, over or across private property, the City of Brooklyn is hereby authorized to acquire the land necessary for that purpose or an easement therein by the proceedings hereinafter prescribed, namely: The commissioner of the said department of city works shall first cause a map to be prepared, showing the land necessary to be taken for the purpose aforesaid, and shall thereon designate whether the fee of said land is to be taken or an easement therein, and shall file the same in his department, and a duplicate thereof in the office of the register of the County of Kings. The corporation counsel of said city shall thereupon make application in the name of the City of Brooklyn to the supreme court at any special term thereof held in the second judicial department, for the appointment of commissioners of appraisal. Before making such application the said corporation counsel shall give notice of his intention so to do by the publication thereof in the corporation newspapers of said city. Such notice shall specify the time and place when and where the application will be made, shall briefly state the object of the application, and shall be published in each issue of said papers (Sundays and legal holidays excepted) for at least ten days next preceding the date of the application. At the time and place mentioned in said notice, or at the time and place to which the same may be adjourned, the court, upon proof by affidavits to its satisfaction of the publication of the notice as aforesaid, shall make an order appointing three disinterested and competent freeholders as commissioners to ascertain and appraise the compensation to be made to the owner or owners and all persons interested in the real estate shown upon the map filed as hereinbefore required. and shall fix a time and place for the first meeting of the commissioners. The order shall also prescribe as to whether the compensation so to be ascertained, is for the fee of the land or only for an easement therein. The said court may also appoint another or others to act in the place of any one or more of such commissioners who may die, decline or neglect to serve, or who may from any cause be or become disabled or incompetent to serve. And the said court may appoint guardians for infants and incompetent persons in the

nature of guardians ad litem, to represent them and to protect their interests, and to prosecute appeals, who shall be entitled to receive such reasonable compensation as the court shall allow. The said commissioners shall be sworn before a justice of the supreme court or a judge of the city court of Brooklyn, faithfully and impartially to perform the duties devolved upon them by virtue of said appointment, and shall proceed with all reasonable diligence to make the appraisalment aforesaid, and for that purpose they shall have power to enter upon the premises affected, to hear the allegations and proofs of the parties interested, at such times and places as they may appoint, and to continue such hearing from time to time as they may deem proper. Any one of their number may administer an oath to the witnesses who may appear before them, and they shall make a report to the supreme court, signed by them or a majority of them, of the proceedings before them with the minutes of the testimony taken before them, if any. The said report shall contain descriptions of the several parcels of land affected, the names of the persons interested therein, so far as the same are known to the commissioners, and a statement of the sum estimated and determined by them as a just and equitable compensation, to be made by the city to the owners or persons interested in each parcel so taken or affected. When the said report is completed, the said commissioners shall file the same in the office of the clerk of the County of Kings. The said corporation counsel may, after the filing of the said report, give notice that the same will be presented for confirmation to the supreme court, at a special term thereof, to be held in the second judicial department, at a time and place to be specified in the notice; the notice shall also contain a statement of the time and place of filing the report, and shall be published in the corporation newspapers of said city for at least ten days next preceding the date of the presentation of the report for confirmation. At the time mentioned in said notice, or at the time to which the hearing thereunder may be adjourned, the court shall confirm the said report, and the said report shall be final and conclusive, as well upon the City of Brooklyn as upon the owners and other parties interested in said real

estate, unless an appeal shall be taken therefrom as herein-after provided. The corporation counsel of said city may, however, discontinue the proceedings at any time before the report shall be confirmed. The City of Brooklyn shall, within thirty days after the confirmation of the said report, pay to the persons mentioned in said report, in whose favor any sums of money have been awarded by the said commissioners, the sums awarded to them respectively, unless the persons entitled to such sums shall be unknown or uncertain or absent from the City of Brooklyn, or cannot be found, or infants, or of unsound mind, in which cases the court may order the sums awarded to be deposited in court, or in a trust company, to the credit of the proceedings, to be drawn out and paid to the parties interested, only upon the order of the court, and may prescribe the manner in which the parties interested shall be ascertained, upon application to it by any person claiming the moneys so deposited. Upon the payment or deposit, as aforesaid, of the sums awarded, the City of Brooklyn may enter upon, use and occupy the lands mentioned and described in the said report. Within twenty days after the confirmation of the report of the commissioners, as hereinbefore provided, either party may appeal therefrom, and from the appraisal of the commissioners to the supreme court, by notice in writing to the other party, specifying the grounds of the appeal. Such appeal shall be heard on due notice thereof being given, according to the rules and practice of the court, either at a general or special term thereof, to be held in the second judicial department, as the appellant in and by this notice of appeal shall elect. On the hearing of such appeal the court may direct a new appraisal and determination of any question passed upon by the same or new commissioners. From any determination of the special term, an appeal may be taken by either party to the general term of the same court. In the case of a new appraisal, the second report shall be final and conclusive upon all parties and persons interested. If the amount of compensation to be made by the said city is increased by the second report, the difference shall be paid by the said city to the persons entitled thereto, and if the amount of such compensation is diminished thereby, judg-

ment for the difference in favor of the said city, must be rendered by the court upon the presentation of the report for the confirmation, against the persons liable to pay the same. The commissioners appointed aforesaid, shall be allowed five dollars each for each and every day actually and necessarily employed about their duties. The sum awarded for any real estate or easement therein, taken pursuant to this section, and the expenses of the proceedings, shall be deemed to be and be taken as a part of the cost of the construction of the sewer or sewers, according to the plan or plans approved pursuant to said section.

§ 34. In case it shall become necessary, in the construction of any sewer according to any plan adopted as aforesaid, to acquire an easement for that purpose in any lands under water below high-water mark on the Brooklyn shore of the East river or bay of New York, in which any person has a private interest or ownership, the City of Brooklyn may acquire such easement in the manner and by the proceedings prescribed in and by this title, and the awards therefor shall be paid as provided in said title.

§ 35. Any overflowsewers* which may be deemed necessary for the relief of any main sewers now constructed in said city, may be discharged into the waters adjacent to said city, or into the Gowanus canal, or any other canal or inlet in said city, at such points as in its judgment may be most convenient.

§ 36. It shall be the duty of the City of Brooklyn to keep any canal free from any obstructions that may be occasioned by the reason of the emptying of said overflow sewers into it, and for that purpose the department of city works of said city is authorized and directed to dredge the same from time to time.

§ 37. The current cost of altering, repairing and cleaning sewers, and all incidental expenses of management shall be estimated by the said commissioner and be annually included in the amount to be raised by annual tax.

§ 38. The said commissioner of city works may take proceedings to acquire land and interest therein for the con-

* So in original.

struction and maintenance of sewers, where such sewer is proposed to run through lands which are not part of a public street or place in the manner prescribed for the acquisition of lands by the foregoing sections of this title. The costs and expenses incident thereto shall be assessed as a part of the cost of constructing sewers, and upon such part of a sewer district as the said commissioner of city works may designate as benefited thereby.

§ 39. The said commissioner shall proceed to lay out as many additional sewer districts as may be required in view of the effectual drainage of said city; each of said districts to consist of a main or principal sewer, having its outlet in the river or bay, or other proper place or outlet, and a fall, branches of such main sewer and the collateral or inferior sewer running into such main or principal sewer; and the said districts shall each be so arranged as to be independent of each other as far as may be practicable; and when such districts are arranged, notice of the same shall be advertised for the correction and review, as provided in this title. After such districts shall have been finally arranged and approved, and the plans thereof duly filed in the manner provided in section twenty-six of this title, the said commissioner of city works may proceed after the lapse of sixty days, by and with the consent of the common council, to construct any part of the work required to be done in such sewer district. During the sixty days after the filing of such plan, as required by this title, the mayor of said city, upon the application of a majority of the owners of lands within such sewer district, may prohibit the said commissioner of city works from proceeding with the construction of the whole or any part of the sewers in such sewer district: and thereupon all power on the part of said commissioner of city works to proceed with the construction of the sewer or sewers specified in such prohibition shall cease and determine until such prohibition shall be withdrawn.

§ 40. Mistakes in any assessment list for sewers, and subsequent proceedings thereon, in the designation of any land or owner thereon assessed, shall not vitiate the assessment, provided the said commissioner of city works, before the

proceeding for a sale to collect such assessment, shall, on a notice of ten days, serve* upon or at the residence or place of business of the owner or legal representative, and published daily in the corporation newspapers of said city, correct such mistakes, and he is hereby authorized, upon such notice, to make such correction; and where any assessment is void for any defect or irregularity, the owner and property affected may be re-assessed for such improvement, in the mode and with the effect prescribed for the original assessment authorized for the construction of sewers.

§ 41. The said commissioner of city works shall use and refer to the ward maps kept in the department of assessment, for the description of lands to be assessed for the cost of making any sewer; and it shall be a sufficient description of any lands in the proceedings for any assessment to give the name or number of the ward and the number of the lot so assessed as appearing upon the ward map, together with the name of the street or avenue upon which it is situated, and also the street number where known, and stating also upon which side of the street such lot is and the names of the next adjoining streets, avenues or places which intersect the street upon which said lot is situated and form the block. Before any assessment laid for the construction of sewers shall be finally certified by the said commissioner of city works to the common council to be complete, he shall carefully examine, correct and perfect the same, and no other certificate shall be necessary to authorize the common council to issue a warrant for the collection of the assessments. All legal proceedings authorized or required by this title shall be conducted by or under the direction of the department of law, and no compensation shall be paid therefor to any officer of said department.

§ 42. The said commissioner may prescribe regulations for the use of the said sewers, may license persons to open the same, and may prescribe a fee for opening and making a connection with any sewer, to be paid to the said commissioner, and by him to be paid to the treasurer of the said city.

*So in original.

§ 43. All provisions of law creating civil and criminal liabilities for wrongs and injuries done to the Brooklyn water works and providing remedies for the redress thereof, and the prosecution and punishment of persons committing the same shall apply in like manner and extent to wrongs and injuries done to sewers in the said city.

§ 44. Whenever it shall become necessary to construct a sewer or drain in any street or avenue for the purpose of preventing damage to property or to abate a nuisance, and it shall have become impracticable to proceed immediately to the construction of the same in accordance with any plan already adopted by the commissioner of the department of city works, for the drainage district in which such streets are situated, by reason of any street therein not having been graded, thereupon at the request of the common council of said city, the said commissioner shall have power to construct a temporary sewer or drain in such manner as to avoid such damage or abate such nuisance; and the cost of said temporary sewer or drain shall be assessed upon the property draining into the same and benefited thereby. The assessment for such temporary sewers shall be imposed, levied and collected in the manner provided in this act for the assessment and collection of assessments for the construction of sewers.

§ 45. Permits for the construction of sewers in the streets or avenues of said city by private property owners shall only be granted upon the parties proposing to construct such sewer first filing with the commissioner of city works of the City of Brooklyn, plans and specifications of such proposed sewer, to conform to the general plan for the construction of public sewers in said city, on file in the department of city works, and a duplicate copy of the contract for the construction of such sewer, showing the cost of the construction thereof, to be approved by the commissioner of city works of the City of Brooklyn; together with a satisfactory guarantee to said commissioner for the payment of the necessary expense of the said department of city works, in the supervision of the construction of said sewer. And upon approval of such plans, specifications and contracts, the said commissioner of city

works of the City of Brooklyn shall issue his permit for the construction of such proposed sewer and shall proceed to apportion the cost of the construction of said sewer according to actual benefit between the several parcels of property abutting on each side of that part of the street or avenue through which said sewer shall be constructed, and the said commissioner of city works of the City of Brooklyn shall only grant permits for connection with said sewer, to be constructed as aforesaid, to such owners or occupants of the property abutting on that part of such street or avenue through which said sewer shall be constructed as shall produce to said commissioner of city works satisfactory proof of the payment by him or them to the parties who constructed and paid for such sewer, of the amount of the proportionate part of the cost of the construction of said sewer apportioned as aforesaid to the property sought to be connected with said sewer, and no permit shall be issued for, nor shall any connection be allowed with said sewer, nor with any sewer heretofore constructed by the owners of the abutting property by private contract from any abutting property until the proportionate part of the expense of the construction of such sewer shall have been paid to the parties entitled thereto by the owners of such abutting property, and satisfactory proof thereof made to said commissioner of the department of city works of the City of Brooklyn. And when constructed, except for the purpose of supervision, maintenance and use by the City of Brooklyn in connection with its public sewer system, said sewer shall be deemed the private property of the persons who shall have paid for its construction until the owners of all the property abutting on that part of the street or avenue in which said sewer shall be laid, shall have paid their several shares of the cost of the construction of said sewer, but when the same shall have been fully paid for by all the owners of abutting property, then the same shall be the property of the City of Brooklyn, and deemed to have been fully dedicated to said city.

§ 46. Whenever it shall become necessary to raise the grade of any street or streets for the proper sewerage of the sewer district in which said street or streets, or parts of

streets are situated, the said commissioner is hereby authorized and empowered to re-grade and re-pave said streets or parts of streets so far as shall be necessary for the proper drainage thereof, and the expense of such re-grading and paving shall be chargeable and included in the assessment laid for the sewerage of said district for the construction of the sewer thereof.

§ 47. The board of estimate for the County of Kings and City of Brooklyn shall, in the year preceding the expiration of any existing contract for cleaning the streets of the City of Brooklyn, and every three years thereafter, estimate the amounts required to be expended each year during the next succeeding three years, commencing on the first day of April, after such estimate, for the purpose of cleaning the streets, avenues, alleys and public places of the City of Brooklyn, and removing ashes therefrom, and shall present the same with their annual report to the common council of said city. Upon the expiration of any existing contract for cleaning the streets of said city, and every three years thereafter, the commissioner of city works of said city is hereby authorized to make a contract in the manner hereinafter provided, and in the name of the City of Brooklyn, with some responsible person or persons for cleaning the streets, avenues, alleys and public places of said city, and removing ashes therefrom during the three years next succeeding the date of the expiration of the preceding contract; provided, however, that the contract so made shall not involve an expenditure during any year in excess of the amount estimated as aforesaid, as required to be expended for the purposes aforesaid during that year. The terms and conditions of the contracts authorized to be made by this section shall be fixed in specifications to be prepared under the supervision of the commissioner of city works, which specifications shall be printed and filed in said department before proposals are invited. The specifications shall require adequate security to be given for the performance of the contract. The said commissioner of city works shall advertise in the said corporation newspapers for ten days, for proposals to perform the work in accordance with the specifications; each proposal must be accompanied

by a certified check on a solvent banking incorporation in the city, payable to the order of the comptroller, for the sum of ten thousand dollars. From the proposals so received, the said commissioner shall select the lowest bid, provided adequate security be tendered and given for the efficient and proper performance of the contract, and if adequate security shall not be tendered and given, as aforesaid, then said commissioner shall select the bid of the lowest bidder who tenders and gives adequate security for the performance of the contract: or if, in his judgment, the acceptance of either proposal would not be in the interest of the city, then he shall reject them all. On the acceptance of any bid by the commissioner, the checks of the unaccepted bidders shall be returned to them, and upon the approval of the proposal of the accepted bidder as to form and sureties as herein provided, and within sixty days after he shall have entered upon the performance of his contract, the check of the accepted bidder shall be returned to him. The sureties upon all such contracts shall be approved by the comptroller, and all such contracts and bonds securing the same shall be approved as to form by the corporation counsel. The administration of the contract shall be under the direction and supervision of the commissioner of city works. Whenever a sworn petition, signed by fifteen or more taxpayers of said city, shall be filed in the department of city works, alleging that any contractor has failed in the performance of any of the requirements of contract upon his part to be kept and performed, and also alleging in what particulars he has so failed, the commissioner of city works shall investigate the charges contained in said petition, and if, after hearing any contractor, he shall find that the contractor has failed to perform his contract in any of the particulars specified, he may, with the consent of the mayor, terminate the contract, and the finding of the commissioner of city works in that behalf after the confirmation thereof by the mayor, shall be final and conclusive, and the said commissioner shall proceed to make another contract for the unexpired term of the contract so terminated, and the contractor and his sureties shall remain liable to the said city for the damages it sustains by reason of his failure to perform the requirements of the con-

tract so terminated. The commissioner of the department of city works shall have power to cause the streets, avenues, alleys and public places of said city to be cleaned, and the ashes to be removed therefrom during such times as a contract for the performance of such work is not in force, and the expense of the work shall be paid out of the funds raised for the purpose aforesaid.

Chap. 314, Laws of 1894.

See Ch. 247, Laws of 1891.

§ 48. The expense of repairing the streets of said city shall be a general city charge; and the commissioner of city works shall have exclusive power in relation to the repairing of streets, but in no one year shall such expense exceed the amount raised for that purpose in the general tax levy.

(See Ch. 371, Laws of 1889.)

§ 49. Whenever the said commissioner of city works shall deem it necessary to alter or change the plan of drainage and sewerage in any district where the same has been established as the permanent plan of sewerage in such district, it shall be lawful for the said commissioner to prepare a plan of such proposed alteration and change, and proceed in relation thereto in the same manner as provided by law for the establishment of the original plan, and, when established, file copies of such altered plan in the department of city works of said city, and in the office of the register of the County of Kings, and thereupon such alteration shall be established as a part of the permanent plan of sewerage of the city.

§ 50. The said board of estimate shall each year include in their estimate of the amount required to be raised for city purposes the amount necessary to meet during the year any existing contract for the cleaning of streets, and also the proper proportionate amount of the sums estimated as required to be expended under the provisions of section forty-six of this title, and also such an amount as they may deem necessary and proper for the purpose of repairing and also improving the condition of the streets and avenues of the city by repaving the same, and the amount included in the

annual tax levy of the city for the purpose of repaving shall be expended by the commissioner of city works, with the consent and approval of the mayor, in repaving any street or avenue of the city, or portion thereof, with granite blocks or Belgian pavement; provided, however, that no street or avenue over or through which a railroad is operated shall be so repaved unless the owner or owners of the franchise of such railroad shall first contribute a just and reasonable proportion of the expense thereof, to be determined by the commissioner of city works.

§ 51. The exercise of the powers vested in the commissioner of city works shall be under the direction and control of the common council; provided, however, that after a contract for an improvement has been entered into by the said commissioner, the execution of the work shall be under the sole control of the said commissioner, and nothing herein contained shall be construed as conferring on the common council any of the executive powers vested by law in the said commissioner, concerning the details of carrying on any improvement.

TITLE XVI.

DEPARTMENT OF PARKS.

SECTION 1. The terms of office of the present commissioners of the department of parks shall cease and terminate upon the appointment and qualification of the commissioner as hereinafter provided. The head of the department of parks shall be the commissioner of parks. His salary shall be five thousand dollars a year. The mayor shall forthwith appoint a commissioner of parks who shall hold office until the first day of February, eighteen hundred and ninety-four, and during the thirty days next preceding the expiration of the term of said commissioner the mayor shall appoint the successor of said commissioner, and every two years thereafter, during the month of January, the mayor shall appoint a commissioner of parks, and the term of office of each commissioner so successively appointed shall be for two years from the first day of February next succeeding his appointment. Whenever a vacancy shall occur in the said office, the mayor shall fill such vacancy, but only for the unexpired term. All the provisions of this title shall apply to the commissioner of parks, and all the rights, powers and duties vested in and charged upon the department of parks, the commissioner of parks or park commissioners, or the president of the department of parks, by this title or by any statute or ordinance, are hereby vested in and charged upon the said commissioner of parks. The said commissioner shall have power to appoint a deputy commissioner of parks and to fix his salary. The salary of the commissioner of parks first appointed pursuant to the provisions of this section, and the salary of the deputy appointed by him shall, if there be no other fund available, be paid out of the revenue fund of the City of Brooklyn until such time as provision can be made for the same in the annual tax levy.

Chap. 49, Laws of 1892.

(See Chap. 341, Laws of 1889.)

§. 2. The said department of parks shall have the exclusive government, management and control, subject, however, to

the laws of the State and to the powers of the common council in relation thereto, of all the parks, squares, parkways and public places in the city; and full and exclusive power to govern and manage the Ocean parkway from the circle at the southwesterly angle of Prospect park to the ocean, and direct the public use thereof, as also the circle and concourse at either terminus, and of such parts of the several roads, streets or avenues as run through or intersect the same, and to pass and enforce laws and ordinances for the proper use, regulation and government thereof, and for all the purposes of such government, management and direction of public use, such parts of said roads or avenues as pass through or intersect said circles, shall be deemed to be a part of Prospect park, and it shall be under like control and management as said parkway, and the maintenance of said Ocean parkway and concourse shall be a charge upon the City of Brooklyn. And the said department of parks shall have, subject to the limitation aforesaid, full and exclusive power :

1. To lay out, regulate, improve and maintain the public parks of said city, and Ocean parkway and the concourse aforesaid, and to govern, manage and direct the same and the public use thereof.

2. To make ordinances, rules and regulations for their proper management and government.

3. To appoint such engineers, surveyors, clerks and other officers and such police force as they may deem expedient, and to prescribe and define their respective duties and authority; and to fix and regulate the compensation to be paid to the several persons so to be employed by them.

4. To locate, erect and maintain fountains on the said parks, or either of them, as well as upon the streets and avenues which form the boundaries thereof or intersect the same; to erect and maintain iron and other fences around the said parks; to flag and reflag the sidewalks of said streets, roads or avenues on the side which is adjacent to the said parks; to increase the width thereof, and to set and re-set curb and gutter stones, shade trees and lamp posts thereon.

5. To determine the particular location of any railroad track which is now or may be hereafter placed upon such road, street or avenue.

6. To seize and impound any cattle, sheep, swine, goats, horses, geese or other animals found running at large upon any of the public parks of the City of Brooklyn; to impose a penalty not exceeding five dollars, with reasonable expenses, upon any animal so seized, and to enforce the payment thereof in such a manner as they shall by ordinance direct.

7. To let from year to year any buildings and the ground attached thereto belonging to the City of Brooklyn which may be within the limits of Prospect Park until the same shall be required for public use.

8. To sell any buildings, improvements or materials within the limits of the said last mentioned park and belonging to said city which in the judgment of said department shall not be required for the purposes of said park or for public use, and the proceeds of such sales shall be deposited with the city treasurer to the credit of the department and devoted to the improvement of said Prospect Park.

9. They may also in the name of the city, or of the said department, at their option, bring any action which they may deem proper, to recover damages for the breach of any agreement, express or implied, relating to or growing out of the management or improvement of the said parks or other places, territory or streets under their control, for penalties for the violation of any ordinance; or for injuries to personal or real property appertaining to the said parks, places, territory or streets, and to recover the possession of any such property. The said department shall have charge and management for the purposes of police and improvement of the land in the town of Flatbush, in the County of Kings, taken pursuant to statute, for a parade ground for the County of Kings. And all ordinances or rules which said department shall at any time adopt for the regulation, use and management of the said parks shall immediately thereafter be published for at least ten days in two daily newspapers printed in said city.

(See Ch. 475, Law of 1888, in relation to police force.)
See Ch. 384, Law 1888.

§ 3. All moneys received by said department shall be forthwith paid into the city treasury, and all expenditures relating to the several parks, squares and parkways and public places of the city and other avenues and places under the control of said department shall be provided for in the same manner as the expenditures of other departments are provided for, and shall be paid from the city treasury when required, under the same rules and regulations governing the expenditures of other departments.

§ 4. The said department shall, in the month of January of every year, make and render to the common council of the said city a full report of their proceedings during the preceding year, with a detailed statement of their receipts and expenditures.

§ 5. It shall be a misdemeanor, punishable by fine and imprisonment, for any commissioner to be in any way, directly or indirectly interested in any contract for services to be rendered or materials to be furnished for or on account of the said parks, or either of them.

§ 6. None of the said commissioners, nor any person, whether in the employ of said department or otherwise, shall have the power to create any debt, obligation, claim or liability for or on account of said department, or the moneys or property under his control, except with the express authority of said department, conferred at a meeting thereof duly convened and held.

§ 7. All persons offending against such ordinances, as shall be adopted by the said department, pursuant to the authority conferred by this title, shall be deemed guilty of a misdemeanor, and shall be punished on conviction before any court of competent jurisdiction in the County of Kings, by a fine not exceeding fifty dollars; and in default of payment, by imprisonment not exceeding thirty days.

§ 8. All tracts, pieces or parcels of land which have been acquired by the City of Brooklyn for use as parks for said city or for a parade ground for the County of Kings, pursuant to any statute heretofore enacted, or otherwise, are hereby declared to be public places.

§ 9. In order to pay the interest upon the bonds issued by the City of Brooklyn, to raise money for the purposes of Prospect Park, there shall be added to the general tax for the City of Brooklyn at large, yearly, and levied and collected therein as hereinafter specified, such sum of money in each of said years as shall be sufficient to pay the interest upon such bonds, and from and after the passage of this act there shall be added to the general tax for the City of Brooklyn at large, and levied and collected as aforesaid, in addition to any amount so required to pay the interest upon said bonds, a sum equal to one-half of one per centum upon the total amount of such bonds; and from and after the year one thousand eight hundred and ninety, there shall be in like manner levied and collected in each year, and in addition to the amount required to pay the interest aforesaid, a sum equal to one per centum upon the total amount of such bonds; and from and after the year eighteen hundred and ninety-five, there shall be in like manner annually levied and collected, in addition to the interest aforesaid, a sum which together with the amounts above required to be levied and collected, and the accumulations thereof, will, with its accumulations, be adequate to pay and discharge the said bonds upon the maturity thereof; which said several sums shall be from time to time, and in each year, paid over to the commissioners of the sinking fund of the City of Brooklyn, to be held and managed by them, and shall be applied to the payment of the interest upon said bonds as it shall become payable, and to the full and final redemption of said bonds, and for no other purpose. And it shall be the duty of the mayor and comptroller of the said city to estimate and ascertain the amounts required to be so added to the general tax by virtue of this section, and to transmit a statement of the same in each year to the board of estimate in time to have such amount included in the general tax of said city for that year; and such amount shall be included in such general tax. And in making the levy of taxes in this section prescribed, the same shall be so apportioned and levied as that all sums of money which shall be levied for the purpose of paying principal and interest of the bonds which may have been issued on ac-

count of the purchase, improvement and ornamentation of the lands comprising the said Prospect Park, shall be levied and collected exclusively upon and from the taxable property within that portion of said city now composing the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth and twenty-fifth wards thereof.

§ 10. The commissioners of the department of parks are hereby authorized and directed to contract and sell at public auction, for and on account of the City of Brooklyn, at such times and on such terms and conditions as they shall deem expedient, all or any part of the land within Prospect Park, which is bounded westerly by Flatbush avenue, northerly by Vanderbilt avenue and the plaza, easterly by Warren street and Washington avenue, and southerly by the town of Flatbush, excepting and reserving therefrom so much of said park lands as lie outside of the reservoir grounds and adjacent thereto, and is bounded and described as follows: Beginning at a point on the northeasterly side of Flatbush avenue, where it is intersected by a line drawn parallel with and seven feet and three inches easterly from the westerly side of Underhill avenue, as said avenue was formerly laid down on the commissioners' map of the City of Brooklyn; thence northerly along said line until it intersects the southwesterly line of the Eastern Parkway as laid out by the park commissioners, in accordance with the plan now on file in the office of the department of city works of the said city; running thence easterly along the said southeasterly line of said parkway until it intersects the easterly line of Grand avenue, as said avenue was formerly laid down on said commissioners' map; running thence southerly along said easterly line of Grand avenue about three hundred and eighty-six feet; thence westerly on a line drawn at right angles to Flatbush avenue, until it intersects the centre of President street, [as said street was formerly laid down on the commissioners' map; thence westerly along said centre of President street until it intersects the northeasterly line of Flatbush avenue, and thence northwesterly along said easterly side of Flat-

bush avenue to the place of beginning. Excepting and reserving also so much of said land lying along the line of Flatbush avenue and fronting thereon, running southerly from the Prospect hill reservoir to the town of Flatbush, not less than two hundred and fifty feet in width, as shall in the judgment of the said department be proper for the city to retain for public uses. And for the purpose of determining the value of the land so reserved for the purposes of the said reservoir, the said department of parks and the department of city works of said city shall, within three months after the passage of this act, or within such further time as shall be agreed upon by them, come to an agreement with respect to the amount to be paid by said city for the land so to be reserved for reservoir purposes; and if they disagree, then each of the said parties shall select a disinterested person, and the two so selected shall choose a third, and the decision of the three referees so chosen, or a majority of them, shall be final and conclusive as to the amount so to be paid. The amount so agreed upon shall be paid to the commissioners of the sinking fund of said city, to be applied in the redemption of bonds for the purchase of park lands. For any lands which the said department shall sell they may receive in part payment the bonds of the purchasers for such portion of the purchase money secured by mortgage on the lands sold as they may deem expedient. And whenever any such sales shall have been made, the mayor, comptroller, and clerk of the City of Brooklyn shall, at the request of the said department, affix the corporate seal to good and sufficient deeds of conveyance, with or without covenants of warranty, and such other covenants as the said department shall from time to time require and prepare; and the said department shall cause the said deeds to be delivered to the respective purchasers upon the receipt of the consideration stipulated to be paid therefor. All moneys that shall be received by the said department upon such sales, after deducting the necessary expenses of sale and conveyancing, including, engineering and surveying, and the amount hereinafter authorized to be borrowed with interest, together with such assessments as may be liens

upon the lands at the time of sale, shall be paid over to the commissioners of the sinking fund of the City of Brooklyn, to be by them held and used as part of the general fund for the redemption of city bonds heretofore issued for the payment of lands taken for the said park. Preparatory to the making of the sales referred to in this section, the said department may regulate, drain and grade the said lands, and may lay out streets, avenues, or parkways over or upon the same, of such width and in such direction, with such carriageways, sidewalks and areas as they may deem expedient. They may also, in their discretion, grade, pave and gutter any of the streets, avenues or parkways which they shall so lay out, and may plant shade trees thereon; but the expense of the improvements hereby authorized shall not exceed the sum of two hundred thousand dollars. After they shall have laid out such streets, avenues and parkways, they shall cause a suitable map thereof to be made and filed in the office of the said department of city works, and the commissioners' map of said city shall be thereupon altered to correspond therewith; and for the purpose of carrying out the provisions of this act, the said commissioners of the department of parks may borrow from time to time, as may be required, such sums of money, not exceeding the amount above limited, as they may deem necessary, and shall repay the same, with interest, out of the proceeds of sales to be made as aforesaid. It shall be lawful for the several savings banks, insurance and trust companies of this State to make mortgage loans upon such portions of Prospect Park, in the City of Brooklyn, as the commissioners of the department of parks are authorized to sell, notwithstanding any lien of bonds issued by said city, for the purchase and improvement of said park; provided, however, that the lands so to be mortgaged are otherwise unencumbered, and that the loans so to be made shall not exceed the amounts which such institutions are now authorized by law to loan on real estate.

(See Ch. 372, Laws of 1889, and Ch. 89, Laws of 1891.)

§ 11. The said department of parks may at any time agree with the Societies of Friends for the purchase of the property of said societies, bounded and described as follows: Begin-

ning at a point in the central line of the Eleventh avenue, which is distant one hundred and twenty-five feet northeasterly from the intersection of said central line with the northeasterly side or line of Fourteenth street; running thence northeasterly along said central line of said avenue five hundred and six feet and eleven inches; thence southeasterly to a point on the northwesterly side of the Coney Island plank road (formerly so called), which is distant two feet and nine inches southwesterly from Eleventh street; thence southwesterly and parallel to Eleventh avenue to a point which is distant one hundred and twenty-five feet northeasterly from Fourteenth street, and thence northerly parallel to Fourteenth street to the place of beginning; or any part thereof, and the valuation of the same, with the damages the said Friends may sustain by reason of their removal therefrom; and upon such contract being reported to the comptroller by the said department, with a proper certificate of their counsel as to title, the comptroller is hereby authorized to pay the same, and may issue such additional bonds as may be necessary to complete the purchase thereof, in the same way and subject to the same redemption as other bonds directed to be issued under this title. And whenever the said purchase shall be completed and the property conveyed to the city, any assessment that may have been laid thereon by the commissioners of estimate and assessment shall be canceled, and the said property shall become a portion of Prospect Park, and be under the exclusive control and management of the department of parks, in the same way and to the same extent as other portions of the said park now are or may at any time be. Whenever the right of the said department to enter upon that portion of the property of the said Society* of Friends hereby authorized to be taken shall be perfected, the said department shall provide and open a suitable and sufficiently commodious passageway, at least twenty feet wide, from Fifteenth street to the said* cemetery, for the common use of all the Societies of Friends, occupying the same, so long as they shall continue to use it as a cemetery; and no assessment for benefit shall be levied or collected upon the

*So in original.

residue of the property now used as a cemetery, so long as the said ground shall continue to be a cemetery or place of interment.

§ 12. Real or personal property may be granted, conveyed, devised or bequeathed to the said city, for the improvement or ornamentation of the said parks, or either of them; or for the establishment or maintenance within their limits of museums, zoological or other gardens, collections of natural history, observatories or works of art, upon such terms and conditions as may be agreed upon by and between the grantors or donors thereof and the said department. But all property so to be granted, conveyed, devised or bequeathed, and the rents, issues and profits thereof, must be subject to the management and control of the said department, and may be improved and added to in its discretion; and shall be protected, preserved and arranged by the said department for public use and enjoyment, under such rules and regulations as the said department shall from time to time prescribe. Admissions to said gardens and museums may be either free to the public, or upon the payment of such sums of money as the department may determine; and all income to be derived from such admissions shall be applied to the improvement and maintenance of such gardens and museums, or of the said parks. The department may also agree for the management and maintenance of any of the said gardens or other institutions with any society, incorporated or to be incorporated under any law of this State; but such gardens or other institutions shall always remain subject to the control of the said department of parks.

§ 13. No railroad constructed or to be constructed on Ocean avenue or on Franklin avenue, westerly of the westerly limit of, or upon or across the circle at the angle of Prospect park (said avenues being respectively the easterly and southerly boundaries of said park), shall at any time be used or operated with any other motive power than horses, unless the company operating such road or roads shall have received the consent to a change of motive power, of the common council of Brooklyn, or shall hereafter obtain such consent.

(Ch. 442, Laws of 1892).

§ 14. No buildings or other erections, except porches, piazzas, fences, fountains and statuary, shall remain or be at any time placed upon any of the lots fronting upon Eastern parkway, from Washington avenue easterly to the southerly line of the City of Brooklyn, or upon President or Douglass streets, from New York avenue easterly to said city line within thirty feet from the line or sides of the said several streets respectively. The intervening spaces of land on each side of the said several streets shall be used for court yards only, and may be planted with trees and shrubbery, and otherwise ornamented, at the discretion of the respective owners or occupants thereof. And no building now standing, or that may be hereafter erected on any lot fronting or to front, on either Union or Degraw streets, easterly from New York avenue to said city line, shall ever be used for any purpose other than a stable, carriage house, conservatory for plants or green-house; but no livery or railway stable, or car house, shall at any time be erected, or maintained, upon any of the said lots. And at no time shall there be erected, established or carried on, in any manner whatever, upon any lot bounded by either of said streets, any slaughter house, tallow chandlery, furnace, foundry, nail or other factory, or any manufactory for making starch, glue, varnish, vitriol, oil or gas, or for tanning, dressing, repairing or keeping skins, hides or leather, or any distillery, brewery or sugar bakery, lime kiln, railway or other stable, or depot, or any other manufactory, trade, business or calling, which may be in any wise dangerous, noxious or offensive to the neighboring inhabitants.

§ 15. No buildings or other erections, except porches, piazzas, fences, fountains and statuary shall remain or be at any time placed upon Ocean Parkway within thirty feet from the outside lines thereof; which space on each side of the said avenue, and in addition thereto, shall be used for court-yards only, and may be planted with trees and shubbery, and otherwise ornamented, at the discretion of the respective owners or occupants thereof; but such use and ornamentation shall be under the direction of the said department of parks.

§ 16. No railway upon which steam or compressed air

shall be used, or is or shall be intended to be used as a motive power, hereafter constructed across Ocean Parkway, in any of the towns in the County of Kings, shall be constructed on the same grade with the said Ocean Parkway, but the grade of every such railway shall be constructed either under said Ocean Parkway or above the same by a sufficient bridge or viaduct ; and when constructed above said Ocean Parkway the length of such bridge shall be the full width of the graded surface of said parkway, and shall be elevated so that there shall be an open space of at least fifteen feet in the clear above the grade thereof ; nor shall any railway upon which steam or compressed air shall be used, or is, or shall be authorized or intended to be used as a motive power, be constructed or operated over or upon the concourse at the southerly terminus of said Ocean Parkway ; nor shall any horse railroad be constructed upon, along or across said Ocean Parkway or the concourse, except by permission of the commissioners of the department of parks, and in addition to the powers now possessed by said department in relation to said Ocean Parkway and concourse, they may also by ordinance regulate the use of engines so that no steam shall be used so as to be allowed to escape therefrom on or over said parkway, and may by ordinance prevent or regulate the blowing of whistles or ringing of bells by any locomotive or other engine at or adjacent to said parkway or concourse by any railroad corporation. It shall be the duty of the commissioners of said department of parks, on the application of any railroad corporation, to hear the parties relative thereto, and to ascertain and determine the practicability of constructing such railway in the manner prescribed by this section, and to establish the proper place for such crossing, and the manner in which the same shall be made, whether above or below said Ocean Parkway, and the plans and specifications for the construction thereof ; and shall cause proper maps and drawings thereof, respectively, to be made, approved and signed by them, a copy of which shall be filed in the office of the register of the County of Kings ; and thereupon said parkway and railway shall be constructed by such railroad corporation, at its own cost and charges, with the

respective grades, and according to the plans and specifications so to be approved and established, and within the period of time to be specified in writing by the said commissioners, who may, however, from time to time, extend the same, but not beyond one year from the date fixed in said certificate. If such railway corporation shall refuse or neglect to reform such parkway, in accordance with the plans and specifications that shall be approved and established by the commissioners of said department in the manner aforesaid, within the time for that purpose limited by the said commissioners, then it shall be the duty of the said department of parks to perform the work of reforming such road or avenue in accordance with such plans and specifications; and all the cost and expense they shall be put to on account thereof may be recovered by an action by said department of parks against such railway corporation in any court of this State; and said department may require, before any such corporation enters upon said parkway to give a bond, with sufficient responsible sureties, to restore said parkway according to the plans made, and to comply with all its conditions as to such crossing, to be enforced as herein provided, which bond, in case of default, made, may be prosecuted by the said department. This section shall not affect any crossing over said Ocean Parkway by a railroad in any case where the right to make such a crossing has been found and adjudicated by a court of record, nor any such crossing by a railroad now being actually operated, nor the construction and use of any bridge which has been actually in good faith commenced prior to the first day of April, eighteen hundred and eighty-one, for the purposes of a railroad crossing on or over said Ocean Parkway.

§ 17. The concourse lands on Coney Island are hereby expressly exempted from the operation of any and all provisions of law authorizing the commissioners of the land office or the officers of any county or town to grant to any railroad company any land belonging to this State or to such county or town.

§ 18. The statement which the department of parks is required by section eighteen of the second title of this act to transmit in each year to the board of estimate shall include

a statement of the several amounts of money which ought to be spent the succeeding year, commencing on the first day of January, for the maintenance, ornamentation and improvement of the several parks and parkways (including the Eastern Parkway, Ocean Parkway, and the Coney Island Concourse) now a charge upon the City of Brooklyn. Upon the receipt of any such statement, it shall be the duty of the said board of estimate to estimate and determine the amounts necessary to be raised for the proper maintenance, improvement and ornamentation of the said parks and parkways during such succeeding year, and to include in their annual report the amounts necessary therefor: and the amounts so estimated and determined shall be included in the annual tax levy of said city, and shall be expended for the purposes for which they were raised, as needed, and upon the usual vouchers: provided, however, that no amount so included for any of the purposes aforesaid shall be greater than the amount stated by the said department to be required for that purpose.

§ 19. Before Ninth avenue and Fifteenth street, or either of them, are graded, paved or improved, the commissioners of the department of parks shall determine and certify to the common council of said city the amounts already expended and advanced on the improvement of said avenue and street respectively by the Brooklyn park commissioners; and the amount so certified, with the interest thereon, shall be deemed to be and be taken as a part of the cost of grading, paving and improving said avenue and street,* and shall be included in the amount of the prospective and actual cost and expense of the work and in the assessments therefor.

§ 20. The department of parks may grade, pave and otherwise improve the street laid out in the plaza of Prospect Park in parts. If the commissioners of said department shall determine to grade, pave and improve the said street in parts, they shall, from time to time, determine what lots within the district of assessment heretofore fixed are benefited by the improvement determined to be made, and shall cause a

*So in the original.

map thereof to be made, and the lot shown upon such map shall be and constitute the district of assessment for such improvement. The said commissioners shall then estimate the prospective cost and expense of the improvement, and in such estimate shall include the proper proportionate amount already expended on the improvement of said street, with the interest thereon, and shall thereupon certify the same to the board of assessors of the City of Brooklyn. Upon the receipt of any such certificate it shall be the duty of the board of assessors to apportion and assess the said estimated cost and expense upon the several pieces or parcels of land and premises benefited by the improvement included within the district of assessment, in proportion to the benefit which in their opinion the same shall derive from or in justice ought to be assessed for the improvement. The board of assessors shall make a report in writing of the assessment so made, and before proceeding to sign the same shall give notice in the corporation newspapers of said city, which notice shall be published for ten days successively, of the time and place, when and where the parties interested can be heard; and after hearing the parties the board of assessors shall proceed and complete the report and sign the same, and return the said report with all objections in writing, which shall be presented to and left with them by any of the parties interested, to the said department of parks. The said commissioners shall publish a notice in the corporation newspapers for ten days successively, to the parties interested, of the time and place, when and where they will meet to hear them on the objections and report. The said commissioners shall thereupon examine the matter, and may correct the said report and assessment, and send it back to the board of assessors for reapportionment, or may confirm the same, as they may deem just and proper, and their confirmation in the matter shall be final and conclusive, and thereupon the said assessment shall be and become a lie upon the several lots, pieces and parcels of land assessed, to the extent of the amount assessed thereon. The like proceedings shall be had when the report of the board of assessors is sent back as in the first instance. After the assessment

shall be confirmed, the said commissioners shall cause a warrant to be issued under the hand of their president to the collector of taxes and assessments of said city for the collection thereof. Whenever one-half in amount of any such assessment shall have been collected (exclusive of the amounts assessed upon park property), the said commissioners may make a contract for the work: provided, however, that no such contract shall be made unless the amount unappropriated of the "assessment fund" of the City of Brooklyn, together with the amount of the assessment collected, shall be sufficient to pay the cost of said work as fixed by such contract. Upon the making of such contract the comptroller of said city shall appropriate and set apart so much of the said "assessment fund" as shall be necessary to pay the cost of improvement. All moneys subsequently collected upon any such assessment shall be paid into said fund to reimburse the same, and any balance remaining after such reimbursement shall be paid into the revenue fund of the said city. Immediately after the completion of the improvement, the assessment therefor shall be revised by the board of assessors, and if the estimate made therefor shall have been greater than the actual cost of such improvement, such excess shall be deducted from the amounts assessed against the several parcels of land in the district of assessment, in the proportion of their respective amounts, and if any part of such assessment shall have been collected, the proportion of such excess shall be refunded to the person paying the same. If the cost of such improvement shall be greater than the amount of the estimate made therefor, the excess of such cost shall be added to said assessment and apportioned upon the several parcels of land according to their respective proportions of the original assessment. The board of assessors shall prepare a list showing the amounts of such additions, and shall publish in the corporation newspapers, for at least ten days, a notice of the time and place, when and where the same can be examined, and objections made thereto; and after hearing such objections shall make such corrections therein as they shall deem just, and shall certify the said additions as corrected upon the original assessment roll to

the collector of taxes and assessments, and thereupon the amounts so added shall become a part of such original assessment and be collected without any further warrant in the same manner and with the same lien and effect as if such amount had been included in the estimate of said work. No rebate shall be allowed upon any assessment levied under the provisions of this act, and no such assessment shall be returned to the registrar of arrears until one year after the revision thereof, or one year after the commissioners shall certify upon the original assessment roll, or upon the abstract thereof, that the said assessment does not need revision.

§ 21. It shall be the duty of the board of estimate of the County of Kings and City of Brooklyn to include in their annual report next after laying any assessment under the provisions of section twenty of this title, an amount sufficient to pay any assessment laid upon the lands of Prospect park or the plaza, and such amount shall be included in the tax levy of said city.

§ 22. The department of parks is hereby authorized to grade, gravel, curb and gutter that portion of the Coney Island plank road, as recently widened, lying between the circle at the southwesterly angle of Prospect Park and Church lane, and said Church lane from said road to Ocean Parkway, according to the plan to be devised and adopted by them. All expenses incident to said improvements, after having been duly certified by the said department to the commissioners of estimate and assessment appointed as hereinafter directed, shall be by them apportioned and assessed upon the property in their judgment benefited thereby within a district of assessment to be fixed by the said commissioners of said department; but no district of assessment shall extend beyond the termini of the improvements provided for in this section, and the assessments specified in their report, when filed in the office of the clerk of the County of Kings, and duly confirmed by an order of the supreme court at special term, upon an application therefor, of which ten days' notice shall have been given in two newspapers printed in the City of Brooklyn, shall constitute liens upon the several parcels of lands and premises upon which they shall have

been laid, and shall be collected in the manner hereinafter directed. The commissioners of the department of parks may also contract in writing for the making of the said improvement, and may from time to time, as the work progresses, issue to the contractors, in the name and upon the authority of the said commissioners, certificates of indebtedness, bearing interest, to the extent of eighty per centum of the work completed by said contractors, payable out of the assessments therefor when collected. The supreme court, in the second judicial district, at a special term thereof, shall, upon application of the commissioners of said department, on notice of ten days, to be published in two papers in the City of Brooklyn, appoint three commissioners of estimate and assessment, who shall be residents of the town of Flatbush, who shall have the powers and perform the duties of the commissioners of estimate and assessment who acted in estimating the damages incident to the widening and opening of the said road. All the provisions of chapter seven hundred and seventy-one of the laws of eighteen hundred and seventy-three, so far as relates to the collection of the assessments herein provided for, and the sale for the non-payment of the same and the lien thereof shall apply to and become part of this act, except that no fees for collecting shall be charged against any property belonging to the City of Brooklyn or to the County of Kings.

§ 23. The mayor, comptroller and clerk of the City of Brooklyn, shall each keep in his office, in a book to be provided for that purpose, a true and correct statement and account of each and every bond referred to in section nine of this title, showing the number of each bond, the date and amount thereof, and the time when due, and such book shall be open for public inspection, and shall be delivered by them to their successors in office.

§ 24. The commissioners of the department of parks are hereby authorized and required to present annually, on or **before** the first Monday of July, to the common council of the City of Brooklyn, a statement in writing of the amount of money with interest, assessed, or to be assessed upon so much of the land benefited by the opening of Prospect park as lies

within the boundaries of the said city, and which amount is required to be raised by tax, for the then current year, together with all such assessments for opening, widening, sewerage or otherwise improving streets, avenues or highways now charged, or hereafter to be charged, upon any of the said parks, or against the city as representing the the* said parks. And the common council shall thereupon cause the said several amounts to be raised and levied, as part of the annual city tax, in the same manner as other taxes are raised and levied; so much thereof as relates to the assessment for park benefit shall be levied upon the particular parcels of property, chargeable therewith, and the residue of said amount shall be raised and levied as a general tax upon the said city. And the said several amounts, when collected, shall be paid over to the said commissioners, except so much thereof as relates to assessment for park benefit, which shall be paid to the commissioners of the sinking fund of the City of Brooklyn, to be used in the redemption of city bonds issued for the purchase of park lands

§ 25. The said commissioners shall also, in like manner, present to the board of supervisors of the County of Kings a statement of the amount of money with interest, assessed or to be assessed upon so much of the land benefited by the opening of the said park as lies outside the boundaries of the said city, and which amount is required to be raised by tax for the then current year, including the amount required for the maintenance of the Kings County parade ground, together with all such assessments for opening, widening and improving streets, avenues or highways now charged, or hereafter to be charged, against the said parade ground by virtue of any proceeding placed, or to be placed under the direction of the said commissioners. And the said board of supervisors shall thereupon cause the said several amounts to be raised and levied as part of the annual county tax in the same manner as other county taxes are raised and levied. So much thereof as relates to the assessment for park benefit shall be levied upon the particular parcels of

property chargeable therewith and the residue of said amount shall be raised and levied as a general tax in the said county. And the said several amounts, when collected, shall be paid over to the said commissioners, except so much thereof as relates to the assessment for park benefit, which shall be paid to the commissioners of the sinking fund of the city of Brooklyn, to be used in the redemption of city bonds issued for the purchase of park lands.

TITLE XVII.

DEPARTMENT OF PUBLIC INSTRUCTION.

SECTION 1. There shall be a department of public instruction which shall be under the control of a board of education, to consist of forty-five members, who shall serve without compensation, and whose term of office shall be three years. The members heretofore appointed by the mayor, July first, eighteen hundred and eighty-five, and any members appointed to fill vacancies occasioned by the death or resignation of members so appointed, shall hold office until July first, eighteen hundred and eighty-eight, and members appointed July first, eighteen hundred and eighty-six, and any members appointed to fill vacancies occasioned by the death or resignation of members so appointed, shall hold office until July first, eighteen hundred and eighty-nine; and the mayor shall, on or before July first, eighteen hundred and eighty-seven,* appoint fifteen members to hold office for three years from that date, in place of the fifteen members appointed July, eighteen hundred and eighty-three,* and any members appointed to fill vacancies occasioned by the death or resignation of members so appointed; and thereafter, on or before July first, in each succeeding year, he shall appoint fifteen members to the said board of education in place of the members whose terms shall then expire. The mayor shall at any time fill vacancies caused by death, resignation or otherwise, by appointment for the unexpired term. If the mayor shall refuse, fail or neglect for thirty days after the expiration of the term of a member of said board, as provided by this act, to make an appointment required by this act, such failure, refusal or neglect shall be in all respects equivalent to and taken as an express appointment of the member who may be at the time holding office.

§ 2. The said board shall elect a superintendent of public instruction, at its meeting in July, or any regular meeting,

*So in original.

next preceding the expiration of the term of office of the present superintendent; and the board may also, at such time, elect one or more, not exceeding two associate superintendents. The terms of office of the superintendent and associate superintendents elected pursuant to the provisions of this act shall commence upon the expiration of the terms of office of the present superintendent and associate superintendents, and the board shall, triennially, thereafter elect its superintendent and associate superintendents, the term of whose office shall be three years, subject, however, to removal from office by a vote of two-thirds of all the members appointed to the said board. Whenever a vacancy shall occur in any of such offices by death, resignation or otherwise, the board may elect a successor to serve for the unexpired term. Such superintendent and associate superintendents shall each receive a salary to be fixed by the board and which shall be paid out of the general fund, and shall perform such duties as shall be prescribed by said board.

§ 3. The said board shall triennially appoint a secretary, how shall perform such duties as may be prescribed by the board. He shall receive a salary to be fixed by the board and which shall be paid out of the general fund, and in case of his death, resignation or removal the board shall have power to fill the vacancy for the unexpired time. He may be removed from office by a vote of a majority of all the members of the board, and shall give such security as shall be required by said board.

§ 4. The treasurer of the city shall be ex-officio the treasurer of the board of education, and shall receive to the credit of said board, from the county treasurer, the amount of school money to which the city is entitled from the State appropriation, together with such amount as is raised by the board of supervisors to entitle the city to its distributive share of the school moneys of the State, and from the city collector the money raised by tax for the support of schools. He shall credit the said board with the money last aforesaid as soon as the amount thereof shall have been received, and he shall disburse the same, with all interest received thereon,

only by the order and upon the warrant of the board of education, drawn in favor of the person entitled to payment, signed by the presiding officer of the board, and countersigned by its secretary. The treasurer shall give such bonds for the faithful performance of his duty as the common council may require, and shall report monthly to the board of education his receipts and expenditures, with the balance remaining on hand to the credit of the board, and such other information in relation thereto as the board of education may from time to time require.

§ 5. The board of education shall have the entire charge and direction of all the public schools of said city, and of the school moneys raised for the support of the same, and shall possess the powers and be subject to the general duties of trustees of common schools in this State, so far as the same are not impaired or affected by this act. It shall annually choose a presiding officer, make its own by-laws, keep a journal of its proceedings, define the duties of its officers and committees, and prescribe such rules and regulations for instruction and discipline in the said public schools as are not inconsistent with the laws of the State; and all the provisions of this act, relating to resignations and expulsions in the common council, shall be applicable to the board of education.

§ 6. The whole city shall be a school district for all purposes of taxation, as well for the purchase of school sites and the building and repairing of school houses as for the annual support of schools, but shall be divided by the board of education into as many districts as there are schools, for the purpose of determining the limits within which children may attend such schools.

§ 7. The board of education shall have power to organize and establish schools for colored children, and such evening schools as it may, from time to time, deem expedient, and shall adopt the necessary rules for the government of the same. It may make use of the public school houses under its charge for such evening schools, and the expenses of said schools shall be paid out of the general fund in the

same manner as those of the other public schools. No person shall be prohibited from attending the evening schools on account of age.

§ 8. The board of education shall determine the number and location of schools; but no expenditures for the purchase of ground or the erection of school houses shall hereafter be made unless the same shall have been approved of by the common council. Such approval shall be deemed to have been given when the tax therefor shall be approved by the common council and levied by the supervisors, or it may be especially given upon the application of the Board of Education to make such expenditure in anticipation of a tax to be levied in the ensuing year.

See Chap. 383, Laws of 1888.

See Chap. 358, Laws of 1889.

See Chap. 269, Laws of 1891.

See Chap. 320, Laws of 1892.

See Chap. 47, Laws of 1893.

See Chap. 123, Laws of 1894.

§ 9. The title of all property now or hereafter to be acquired for school purposes shall be vested in the board of education; which board and the mayor of the City of Brooklyn are hereby authorized to sell any lands with the buildings thereon which, in the opinion of the said board, first declared by resolution, are not needed for school purposes, or that shall hereafter not be needed for school purposes, and to grant and convey the same. The proceeds arising from any such sale shall be paid into the special school fund of said board of education, and deposited with the treasurer of the City of Brooklyn, to the credit of said fund.

§ 10. The money raised for the purchase of school sites, and the building, repairing and furnishing of school houses, shall be known as the "special school fund," and all other moneys as the "general school fund;" and it shall be the duty of the board of education to keep accurate accounts of its receipts and expenditures, distinguishing between those of a general and those of a special character; and it shall not be lawful to expend any portion of the moneys raised for the

use of one of said funds for the purposes of the other of said funds, but the expenditures shall be made in conformity with the appropriations under which the funds were levied and collected.

§ 11. The board of education shall determine whether any and what portion of the State appropriation and the county tax, designated as library money, shall be applied to the purchase of school libraries and apparatus, and the disposition thereof; and the residue of said money shall be applied to the payment of teachers' wages or for the purchase of school-books, and no other purpose.

§ 12. The orphan asylum societies of the City Brooklyn shall participate in the distribution of the school moneys raised in said city, in proportion to the number of children between the ages of five and twenty-one, under the charge of said societies, and instructed in such manner as is usual in common schools, and shall hereafter be annually entitled to such distributive share in the same manner, and to the same extent, as is now or shall be provided in respect to the common schools of said city. And all industrial schools in which industrial employments are taught in addition to the studies of the common schools during some portion of the school day, and in which the pupils are clothed, fed and lodged, shall participate in the distribution of the school moneys, in the same manner and under the same restrictions as the said orphan asylum societies at Brooklyn. The schools of said societies shall be subject to the general supervision of the board of education of said city, but remaining under the immediate direction and management of the said societies as heretofore. The orphan asylum societies and the industrial schools for indigent and homeless children, under the charge of the board of education in the city of Brooklyn, shall in each and every year, be entitled to receive ten per centum of the gross amount of money received by the commissioners of excise in the City of Brooklyn, for licenses to sell liquors, ales and wines, and of fines for the breach of the laws in relation thereto, and the comptroller of the said City of Brooklyn shall, on the requisition of the proper officers of the said societies,

pay over to them, the officers, directors, or trustees of the orphan asylum societies and industrial schools or such persons as they shall authorize to receive the same, a sum equal to ten per centum of the gross sum received by the said commissioners of excise for licenses and fines as aforesaid, pro rata according to the number of orphans and indigent children fed, clothed, lodged and taught in each of the said asylums or industrial schools at such institutions; the said pro rata to be established and taken by the said comptroller from the report of the superintendent of public instruction for the said City of Brooklyn for the distribution of the public school fund to the said orphan asylum societies and industrial schools, but no school in said city shall be entitled to any portion of the school moneys, in which the religious sectarian doctrine or tenets of any particular Christian or other religious sect shall be taught or inculcated, during school hours, or which shall refuse or prohibit visits or examinations by the city superintendent or members of the board of education of said city; provided that this section shall not be deemed to prohibit the use of the Holy scriptures without note or comment.

§ 13. The board of education shall make returns annually to the common council of its receipts and expenditures, specifying those on account of the general and special funds respectively, with such other details as the common council may from time to time require.

§ 14. The board of education shall have power to take proceedings to acquire land for sites of school houses, or land adjacent to and for the enlargement of a site already established not exceeding one acre, where the owner or owners of such land shall not consent to sell the same for such purposes, or where the said board shall not be able to agree with such owner or owners or some or any of them upon the price or value thereof. Such proceedings shall be taken in the manner provided by the general laws of this State for the appraisal and acquiring of lands taken for or in addition to sites for district school houses except as is herein otherwise expressly provided, and except that the restrictions as to a village or city lot shall

not apply to this section. And for the purposes of such proceedings the board of education shall possess all the powers of trustees under the provisions of such general laws. Such proceedings may be authorized by a vote of said board of education, and the petition may be signed by the officers of said board. The commissioners appointed in such proceedings may be inhabitants of the City of Brooklyn and owners of taxable property therein, but shall not be owners of, nor interested in the property proposed to be taken, nor related to the owners of the land proposed to be taken. Such proceedings may be taken before the supreme court or city court of Brooklyn, and if taken in the latter court, the petition shall be filed in the office of the clerk of that court, and the notice of lis pendens in the office of the clerk of Kings County. The compensation named in the award, the fees of the commissioners and the costs and expenses of said board of education in such proceeding shall be paid by said board out of the special fund in their hands, and such fees, costs and expenses may be taxed and allowed in the final order.

TITLE XVIII.

OF CONTRACTS.

SECTION 1. All contracts and agreements by which the city shall be held liable to pay money, shall be under the authority of the common council, except for salaries and those made for the management and control of the board* education, the water works, the maintenance of sewers and the repairing of streets, and also except those made for the maintenance and management of the parks and other works and matters under the control of the department of parks, but the amount expended for the above named purposes shall not exceed the sums appropriated therefor by the common council, or the amount authorized to be expended by issue of bonds under heretofore existing laws. All contracts other than for the above excepted purposes exceeding in amount the sum of two hundred and fifty dollars, shall be made in the following manner: Whenever any work, materials or improvements, shall have been duly declared to be necessary by said common council, they shall authorize the department of city works, and it shall be the duty of the department so authorized to advertise in the corporation newspapers, for at least ten days, inviting bids or proposals therefor, under seal, to be sent to the department of city works, which bids or proposals shall be publicly opened and announced, with the name of the bidder, the rate or amount proposed, and the names of the sureties, which sureties shall be the owners of real estate in the City of Brooklyn in their own right to the amount of such surety, and shall have held the same for at least one year prior to becoming such surety: and before awarding any contract all the bids or proposals received shall be published for at least six days in the newspapers aforesaid. All contracts shall be awarded to the lowest bidder, and be executed by the mayor and the department of city works, and shall be attested by the city clerk: provided, that upon the application of the commissioner of the depart-

*So in original.

ment of city works or head of other department, the board of aldermen may, and are hereby empowered, by a two-third vote, to authorize the department of city works to execute a contract to others than the lowest bidder; and no contracts shall be made or liability to pay be incurred, the expense of which is provided by law to be met by local assessment, until the jurisdictional or other proceedings for and in the assessment have been examined and certified to be correct and sufficient by the department of city works and attorney and counsel to the corporation.

Chap. 562, Laws of 1889.

§ 2. In case any street, public building, highway, sidewalk, crosswalk or bridge shall become dangerous, the commissioner of the department of city works shall examine the same, and, with the approval of the mayor, shall cause the same to be repaired or removed, provided that the expense of such repair or removal shall not exceed in amount the sum of one thousand dollars in any one case. All charges incurred under this provision shall be examined by the auditor, and when audited, be paid by the comptroller, out of the proper fund, and in case no other means shall have been provided to cancel such liabilities, the comptroller shall pay the same out of the revenue fund.

§ 3. No contract or agreement for any purpose, involving the payment of any money, shall be valid and binding against said city, unless the comptroller shall certify or indorse on such contract or agreement that the means required to make the payments under such contract are provided and applicable thereto. Any such indorsement falsely made shall be a misdemeanor, and the offender, on conviction thereof, shall cease to hold his office, and his official term shall cease and determine, and the mayor shall nominate, and with the consent of the board of aldermen appoint some suitable person to discharge the duties of comptroller, with all the duties, liabilities and responsibilities of said office who shall serve until another comptroller shall be elected by the people at the next general election, and shall have duly qualified. Any surplus remaining on account of any appropriation at the end of any year may be applied as the common council may direct.

§ 4. All contracts for supplying the public lamps with gas, except those in the public buildings, shall provide for the lighting of the same, and for keeping them in repair by the companies or persons supplying such gas.

§ 5. Whenever the mayor and comptroller shall certify that the interests of the city require certain work to be done without calling for proposals, at an expense not to exceed one thousand dollars, such work may be ordered by a two-thirds vote of the common council, and the expense shall be paid out of the appropriate fund to be designated when the work is ordered to be done; and, provided further, that whenever the head of any proper department shall certify that it is necessary for the best interests of the city, after a severe snow storm, to remove the snow from one or more of the principal thoroughfares or to immediately repair any damage done by the elements, or otherwise, or to prevent such damage or to prevent the spreading of disease or to preserve the public health, or to prevent or suppress a riot, the mayor shall be empowered to authorize such department to incur such liability in the premises on the part of the city as may be necessary, and the common council shall order all charges incurred under this provision to be examined by the auditor, and when audited to be paid by the comptroller out of the appropriate fund, and in case no means shall have been provided to cancel such liabilities, they shall be paid by the comptroller out of the revenue fund. Supplies for any department needed for immediate use not exceeding upon any one requisition in amount one thousand dollars, for the police and fire departments, and two hundred and fifty dollars for the other departments on the requisition of such department, with the approval of the mayor, may be purchased by the department requiring the same, and the supplies so purchased shall be audited and paid for in the same manner and from the same fund as though the same had been ordered by the common council.

Chap. 582, Laws of 1894.

§ 6. Whenever any fuel, furniture, books, stationery or any other supplies or repairs to buildings or apparatus oc-

cupied, owned or used by the department of fire or the department of police and excise, shall have been duly ordered by the common council the said department respectively requiring such supplies or repairs, shall advertise for proposals in the newspapers for the same and open the bids and award the contracts and execute and carry out said contracts therefor in the same manner and with the same circumstances as the department of city works or common council are authorized in this act in relation to needed work and improvement for other departments of said city; and with the consent of the common council the department of police and excise and the department of fire, respectively, shall purchase such articles of supplies or cause such repairs to be done as may be from time to time necessary to the efficiency of said department, provided, however, that the expense thereof shall not at any one time exceed the sum of one thousand dollars. The bills for all such purchases made in pursuance of the provisions of this section shall be certified by the commissioner of the department, respectively, having cognizance of the purchase, and upon being audited by the auditor shall be paid by the comptroller.

Chap. 435, Laws of 1893.

See also Chap. 509, Laws of 1888, and Chap. 467,
Laws of 1888.

TITLE XIX.

LOCAL IMPROVEMENTS.

SECTION 1. The common council may, upon the petition of a majority of the property owners, or of the owners of a majority of the property to be affected, or by a three-fourths vote of the board of aldermen and the consent of the mayor without such petition, open, close, extend, widen, regulate, grade, pave, regrade and repave roads, streets, lanes and avenues, and cause public squares and parks to be opened, regulated, ornamented and perfected in the manner hereinafter provided, and generally have such other improvements in and about such streets, avenues and squares as the public wants and convenience shall require. The expense of all such improvements shall be assessed and be a lien on the property benefited thereby, in proportion to the amount of said benefit. In all cases where the common council shall decide upon the grading and paving of any street or avenue, they shall cause a sufficient number of culverts or drains to be constructed under such street or avenue as may be necessary to carry off the surface water of the lands which shed their water across the line of such street or avenue. The said common council shall have power, with the consent of the mayor, to lay out streets in said city and to place the same on the commissioners' map, and to change said map by closing and striking therefrom or altering the lines of any street now on or hereafter placed on said map.

Chap. 674, Laws of 1893.

See Chap. 169, Laws of 1888.

— § 2. Whenever the common council shall have declared, by resolution, its intention to make any such improvement, or when a petition shall be presented, the common council shall cause a notice to be published in the corporation newspapers that such application has been made, and of the time (which shall not be less than twenty-five days after the first publication* such notice), when they will proceed on such petition or reso-

*So in original.

lution, which notice shall be published daily in the corporation newspapers for two weeks successively ; and in case a remonstrance against the proposed improvement, signed by a majority of the property owners to be affected within the district of assessment, which shall be fixed by the common council for said improvement shall be presented to them on or before the day specified in said notice, they shall not allow the said improvement to be made, or proceed therein, but nothing in this act contained shall be so construed as in any way to affect the proceedings heretofore commenced by the common council.

§ 3. No proceedings shall be commenced by the common council or by any of the officers of the city, to regulate and grade, or to pave any street or avenue in said city, the expense of which shall impose upon any city lot of land an assessment exceeding its value, independent of any erection of buildings thereon, and which value shall be ascertained as hereinafter provided. The term city lot, as used in this section, shall be held to mean a lot or plot of land having a frontage on the line of the improvement of not less than twenty feet and a depth of not less than one hundred feet from the line of the street to be improved, and containing an area of not less than two thousand square feet.

Ch. 318, Laws of 1892.

See Ch. 56, Laws of 1892.

§ 4. The common council shall lay out a district of assessment in every case, before any other proceedings are had therein, and shall cause a map to be made, on which map shall be designated, by feet and inches as near as may be, the several pieces of land and premises to be assessed for the improvement, and shall estimate the expenses of any improvement or work referred to in the third section of this title, and the assessors of the city shall ascertain the value of the premises proposed to be assessed for such expenses, stating how much of said expenses is proposed to be assessed upon each lot, and shall report the same to the common council before any such improvement or work shall be ordered or determined upon by the said common council ; such assessors shall at the same time report to the common coun-

cil, for their information, an estimate of the amount of benefit which such lot will derive from such improvement; but such estimated benefit shall not be computed as a part of the value of said lots for the basis of assessment referred to in this act.

§ 5. All persons so applying, and who shall have signed a petition for any such improvement, are hereby declared liable for all charges and expenses which may accrue on such application if the same is refused by the said common council; a sum sufficient to cover such expenses as may be determined by the common council shall be deposited by the persons so applying, with the treasurer. The sums so deposited shall be returned to them if the improvement shall be ordered, and not otherwise, except the surplus thereof after paying such expenses.

§ 6 If the common council shall determine that such improvement shall be made in accordance with the provisions of this act, they may then proceed to order such improvement or work to be done; and the determination of the common council, in respect to all the facts to be ascertained for the purpose of commencing and carrying on such proposed improvement or work, shall be final and conclusive; provided that such action shall be in conformity with this act, and that the assessment for the expense of such improvement shall be confined to the district of assessment laid out by the common council as aforesaid. In no event shall any expense for any improvement or work contemplated by the first and second sections of this title be a charge against the City of Brooklyn, except so far as said city may be the owner of lands to be assessed for such work or improvement, and except in cases of real property exempted from assessment for local improvements under the provisions of section thirty-two of title twenty-two of this act.

Chap. 255, laws of 1889.

§ 7. Hereafter in the City of Brooklyn before any money shall be expended, or any contract made for any grading or paving, or for any local improvement whatsoever, except sewerage of any street or avenue, flagging or reflagging sidewalks

or fencing vacant lots, and immediately after the prospective costs and expense thereof shall have been estimated by the common council, and the board of assessors shall have made their preliminary report thereon as provided in section four of this title, the common council shall cause an assessment to be laid by the board of assessors for the amount of such estimated cost and expense, in the case of each local improvement upon the district laid out therefor, but shall not include in such assessment any amount for interest, nor for assessors' or collectors' fees, and after the confirmation of such assessment by the common council, the common council shall proceed to cause the same to be collected, and on such confirmation such assessment shall become and be a lien and charge on the lands so assessed. All moneys collected on such assessment shall be credited to the assessment fund aforesaid, and a separate account shall be kept of each improvement.

Chap. 599, Laws of 1892.

§ 8. Whenever one-third of the amount of any such assessment shall have been collected, the common council may authorize a contract for the work to be made by the department of city works, provided, however, that no such contract shall be made, unless the amount unappropriated of the said assessment fund shall be sufficient to pay the cost of said work as fixed by such contract. Upon the making of such contract the comptroller shall appropriate and set apart so much of the said assessment fund as shall be necessary to pay the cost of said improvement.

§ 9. Immediately upon the making of a contract for any such local improvement the assessment therefor shall be revised by the board of assessors, and if the estimate made therefor shall have been greater than the actual cost of such improvement, such excess shall be deducted from the amounts assessed against the several parcels of land in the district of assessment in the proportion of their respective amounts, and if any part of such assessment shall have been collected, the portion of such excess shall be refunded to the person paying the same. If the cost of such improvement shall be greater than the amount of the estimate made therefor; the excess of such cost shall be added to said assessment

and apportioned upon the several parcels of land according to their respective proportions of the original assessment. The board of assessors shall prepare a list showing the amounts of such additions, and shall publish in the corporation newspapers for at least ten days, a notice of the time and place when and where the same can be examined, and objections made thereto, and after hearing such objections shall make such corrections therein as they deem just, and shall certify the said additions as corrected upon the original assessment-roll to the collector of taxes and assessments, and thereupon the amounts so added shall become a part of such original assessment, and shall be a lien on the lands assessed, and shall be collected without any further warrant in the same manner and with the same affect as if such amount had been included in the estimate of said work. No rebate shall be allowed upon any such assessment, and no such assessment shall be returned to the registrar of arrears until one year after the revision thereof, or one year after the commissioner of the department of city works shall certify upon the original assessment-roll, or upon the abstract thereof, that the said assessment does not need revision.

Chap. 599, Laws of 1892.

See Chap. 164, Laws of 1888.

§ 10. No moneys collected upon such assessment levied for one improvement shall be spent upon any other improvement; provided, however, that the moneys advanced from the assessment fund shall be refunded from moneys collected upon the assessment for the improvement upon account of which the advance was made. Every such assessment shall in all respects, so far as consistent herewith, be governed by the same provisions and entitled to the same exemptions, and be of the same force and effect as are the other assessments laid in the City of Brooklyn for the various local improvements provided for in this title. But nothing in this section contained shall prevent the issuing of bonds for and the completion of any local improvement heretofore authorized by special act of the legislature; nor shall the common council or the department of health of said city be hereby deprived of any power which they possess to abate nuisances and promote or protect the public health.

§ 11. In the case of any such assessment, the common council may, at any time before any contract shall be made for any local improvement aforesaid (but not after such time), cancel such assessment, and any and all proceedings had relating thereto, or to the improvement for which the same was laid, and in case of such cancellation, all moneys paid for or on account of such assessment shall be refunded to the person or persons who shall have paid the same, or to the legal representatives of such person or persons. All proceedings for local improvements of the kind specified in section seven of this title may be continued and completed, and the assessments therefor made, revised, perfected, collected and returned as provided in this title.

§ 12. All expenses, chargeable in any proceeding hereafter had for opening or widening any street or avenue in the City of Brooklyn, for searcher's or surveyor's fees, shall be included in the report of the Commissioners appointed for that improvement, and shall thereafter be confirmed by the Supreme Court at a regular or special term thereof; and no such expense shall be due or payable unless included and confirmed as herein required.

§ 13. It shall be the duty of the department having in charge any work, the cost of which is to be paid for by assessment, to file, with the comptroller of said city, a certified copy of the contract under which said work is to be done, together with a copy of the resolution of the common council directing the work under the contract to be done. Such copies shall be filed with the comptroller, within five days after contracts shall have been duly executed by the contractor.

§ 14. No assessment for flagging or reflagging sidewalks, fencing vacant lots, digging down lots, or filling in sunken lots, shall be levied and confirmed, or be a lien upon the property to be assessed therefor, until after the work shall have been completed according to the contract, and a certificate of such completion, signed by the department having the matter in charge, shall have been filed with the comptroller; and it is hereby declared to be the duty of the department hav-

ing the matter in charge, within five days after the completion of said work, to file said certificate, and also to furnish the common council a statement of the items constituting the cost and expense of said work, together with the fees and percentage now provided by law, and the filing of such certificate shall be presumptive evidence that such work has been completed according to contract.

§ 15. The common council shall, after receiving the statement mentioned in the preceding section, by resolution, direct the board of assessors to apportion and assess the amount thereof upon the several pieces or parcels of land and premises benefited by the improvement in proportion to the benefit derived thereby; and all subsequent proceedings relative to levying, confirming and collecting any assessment shall be as provided by this act, except that the board of assessors shall, in their assessment lists or report, furnish an estimate of the value of each separate piece or parcel of lands assessed; and no assessment of any piece or parcel of land, except for filling in lots, as provided for in title two, section twelve of this act, shall exceed in amount the value thereof.

§ 16 .After any contract for a local improvement shall have been entered into, and a certified copy thereof shall have been filed with the comptroller, in conformity with the thirteenth section of this title, said comptroller is hereby authorized and directed to pay to the contractor or his assigns, from time to time, as the work progresses (but not oftener than once in each month), eighty per centum of the estimated value of the work actually done under said contract, until the same shall be completed. The estimate of the value of any such work shall be signed by the surveyor, and also by the department having the matter in charge, and approved by the auditor; and upon the final completion of any contract and filing of the certificate of completion, signed by the officers above named, the comptroller shall, within thirty days thereafter, pay to the contractor or his assigns the balance of the amount due under his said contract.

§ 17. The amounts collected from any and all assessments for local improvements, together with all defaults and interest on the same, are hereby specially appropriated and set apart

for the payment of the principal and interest of the bonds issued for making such local improvements.

§ 18. In any case where an assessment for local improvement has been heretofore levied and confirmed, and the whole or a part of which remains unpaid, the common council shall have power (if they shall be satisfied that injustice has heretofore been done to the parties assessed), to direct a new assessment to be levied for the amount remaining unpaid, with the interest thereon. They may enlarge and extend the district heretofore assessed as they may deem just and equitable, and the board of assessors, in levying and assessing said new assessment, shall credit to all parties who may have paid the previous assessment the amount so paid by them, respectively, and their property shall be liable only for the balance, if any, of the new assessment, over and above the amount so paid by them respectively, and all proceedings for levying, confirming and collecting said new assessment shall be as is now provided by law

§ 19. All streets and squares now opened, or used as such, and streets and squares to be opened and widened by the proceedings under these provisions, or to be ceded to and accepted by the common council, shall be under the jurisdiction, management and control of said common council for the purpose of making the improvements before mentioned, and for all purposes mentioned in or necessary for the fully carrying into effect all the provisions in this act, and the powers granted to the common council by this or any other act.

§ 20. If the common council shall deem it proper to cause avenues, streets, squares or places to be opened, widened or extended, they shall cause application to be made to the supreme court, in the second department, at a general term thereof, for the appointment of three persons as commissioners to estimate the expense of said improvement, and the amount of damages to be sustained therefrom by the owners of lands and buildings, and all other persons interested in the premises who may be affected thereby. The persons so appointed shall not be interested in the improvement. The said court may also appoint another or others to act in the place of any

one or more of such commissioners who may die, decline serving, remove from the city, be or become interested in the improvement, or from any cause may be disabled from serving.

§ 21. The common council shall cause a map to be made, on which map shall be designated, by feet and inches, as near as may be, the several pieces of land, buildings necessary to be taken for the improvement, and of any residue of lots or pieces of land within the district of assessment, of which lots and pieces of land only a part will be required of the same for the purpose of said improvement; and the map aforesaid shall form and constitute a part of the report of the said commissioners of estimate, and of the board of assessors in relation to the said improvement, and shall be deposited with said reports respectively for examination in the office of the clerk of the County of Kings, and in the department of city works, as hereinafter provided. In case there shall be no ward maps showing the lots or pieces of land within the district of assessment, the map to be made as aforesaid shall also show the several pieces of land with the district of assessment.

§ 22. The said commissioners shall be sworn before some officer authorized to administer oaths, faithfully and impartially to perform the duties which shall devolve upon them by virtue of said appointment, and shall then proceed with all reasonable diligence to make the estimate and assessment mentioned in the preceding section; and for this purpose they shall have power to enter upon and examine any premises which, in their opinion, will be affected by said improvement, to hear the proofs and allegations of the parties interested, at such time and place as they may appoint, and to continue such hearing by adjournment, from time to time, as they may deem proper.

§ 23. The report of said commissioners shall be made in a tabular form, with columns, in which shall be distinctly given the whole expense of the proposed improvement, and the several items of such expense, the number on the map of the pieces of land required for the improvement, and of any residues within the district of assessment, of lots or pieces of

land of which only a part will be required for the same, the names of persons interested in the property taken for the improvement, and the nature of their interest, and the amount awarded to the different parties, and so many and such other different columns and tabular statements as may be necessary to state the true interests of the parties in the lands and premises, and their liabilities in relation thereto.

§ 24. When a residue shall be left of any lot or lots necessary to be taken for such improvement, the said commissioners may, in cases where injury or injustice would otherwise be done, and with the consent, in writing, of the owner or owners of such lot or lots, include the whole or any part of such residue in their report (briefly describing the same), and estimate separately the value thereof. Every such residue or part of a residue which shall be so included shall, upon the confirmation of said report as hereinafter provided, and the payment or tender of the amount at which the same shall be so estimated to the owner or owners thereof, vest in fee simple in the City of Brooklyn, which shall thereupon sell and dispose of the same at a price or prices not less than the sum at which it shall have so estimated to the owner or owners of the next adjacent land; and if he or they shall not, upon reasonable notice, to be determined by the common council, elect to take the same at such price or prices, it shall be disposed of at public auction upon such notice as the common council shall deem proper, for the best price or prices that can be obtained for the same. In case the same shall sell for a less sum than that at which its value was estimated by the commissioners, the deficiency shall be deemed a part of the general amount of loss and expense arising from the improvement. And for the purpose of providing for the event of such deficiency, and for the payment of the amount thereof, the commissioners shall include in the estimate and assessment of the expense of such improvement the estimated value of any such residue, or part of a residue, which may be included as aforesaid in their report, and upon the sale of the same, as above provided, the proceeds thereof shall be credited and allowed to each of the persons assessed, in proportion to the amount of the respective assessments against them.

§ 25. In other cases in which part only of the land and premises of any person or persons will be required for any such proposed improvement, the fair estimated benefit to be derived by him, her, or them, in common with others for the same improvement, shall be assessed and be a lien upon the residue of such land and premises, but such assessments shall in no case exceed the value of such residue; and, if, in the opinion of the court to whom the said report shall be presented for confirmation, as hereinafter provided, any assessment shall exceed such value, it shall be good cause against confirming the report.

§ 26. When all the land and premises of any person or persons will be required for the contemplated improvement, or where part only thereof will be required, and the estimated damages to be sustained by the appropriation of such part to the purpose thereof, shall exceed the fair estimated benefit which in common with others, he, she or they will derive from the said improvement the amount of the estimated damages in the first case, and of the excess of such estimated damages in the last, shall be assessed and be a lien on other lands and premises, according to the estimated benefit to be derived from the said improvement.

§ 27. The said commissioners shall also estimate in their said report, any damages, arising from the said improvements which may be sustained by the owner or owners of any land bounded on the public highway, by reason of the location of the proposed street, avenue or square in such manner as to interpose the land of any other person between such proposed street, avenue or square, and the said highway; and the amount of such estimated damages shall be assessed and be a lien on other lands and premises, according to the benefit to be derived by them respectively from the said improvement.

§ 28. After said report shall be completed, it shall be filed by the said commissioners in the office of the clerk of the County of Kings. They shall then cause a notice to be published that the same has been completed and filed, and that they will meet at a time and place therein to be specified, not less than ten days from the first publication of such notice,

to review their report. During that time the said report may be examined, free of expense, by all persons interested; and, at the time and place so specified, any person may offer objections, in writing, to the said report, and accompany the same with such affidavits as he may think proper. The said commissioners shall thereupon, or as soon as conveniently may be thereafter, review their said report, and correct the same where they shall deem it proper, and shall then again file the same in the office of the clerk of the said County of Kings. The common council shall then cause a notice to be published in the corporation newspapers employed by the said corporation that the said report has been so completed and filed, and that application will be made on behalf of the said common council to the county court of the County of Kings, or to the said supreme court, at one of the special terms thereof, the same to be specified in such notice (and in either case not less than ten days from the first publication thereof) to have said report confirmed. During the said space of ten days, the said report shall remain open to the inspection, free of expense, of all persons interested; and any such person may, within that time, appeal from said report. Such appeal shall be by notice, to be served on the clerk of said common council within the period last mentioned, and at least six days before the time at which the said report is to be presented to the court for confirmation, which notice shall be accompanied with copies of the affidavits which shall have been delivered to the commissioners (if it shall be intended to use or refer to copies thereof on such appeal), and also with a brief statement in writing, of the grounds of objection to such report, and of the manner in which it is contended that the same ought to be altered.

§ 29. Such appeal shall be heard by the court to which the said report shall be presented for confirmation at the time the same shall be so presented. Copies of the affidavits which shall have been delivered and served as aforesaid (but no others), may be read against confirming the said report, and affidavits may also be read to sustain the same; but no cause against confirmation shall be heard, except an appeal shall have been made in the manner provided in the preced-

ing section of this act. If no sufficient reason to the contrary shall appear to the court, they shall confirm the said report; or, if in their opinion, the same ought not to be confirmed, they may refuse so to do; and in the event of such refusal, they shall, in the proper case, refer it back for revision and correction to the same or other commissioners who shall proceed to revise and correct the same, and cause it, or a new report, to be filed in the office of the clerk of the said county. The common council shall thereupon cause a new notice to be published in the manner required in the preceding section of this act of the filing of such report, and of their intention to apply for the confirmation thereof. The said report may be appealed from within the time and in the manner provided in the said section; and such appeal shall be proceeded upon, and the said report again disposed of in the manner directed by this section. And so often as any such report shall be referred back for revision and correction, the like proceedings shall be thereupon had as are provided in this section upon the first reference back to the said commissioners. In cases, however, where the said court can, they shall direct specific alteration to be made therein, and such alterations shall be made in its presence or during the same term, they may thereupon absolutely confirm the said report without further notice.

§ 30. The court to which any such report shall be presented for confirmation shall have power, in their discretion, to award costs against the appellant in cases where the appeal shall not be prosecuted or sustained.

§ 31. Upon the confirmation of the report of the commissioners of estimate of the expense of the improvement, it shall, together with the map, be delivered to the board of assessors of said city, whose duty it shall be to apportion and assess the expenses of the improvement, as determined by the report of the said commissioners, upon the lands and premises benefited, or intended to be benefited, by the improvement, within the district of assessment, in proportion to the benefit derived by such lands and premises respectively thereby. The said board of assessors shall make their apportionment and assessment in a report or list in tabular forms,

with columns, giving the numbers according to the ward map or maps, of the pieces of land assessed for benefit; or when there are no ward maps, according to the map made by order of the common council for the purpose of the improvement as aforesaid, the names of the owners or occupants thereof respectively, the amount assessed on each piece of land on the different interests therein, the balance of awards to be received by the different parties over their assessments, the assessment to be paid by the owners of the pieces of land assessed respectively, and by other persons interested therein, the balance of assessment to be paid by any such owner or persons over any awards made to them respectively, and such other statements as they may deem necessary to make. And upon the completion of the report of said board of assessors, the same proceedings shall be had in relation thereto, in all respects, until the confirmation thereof by the supreme court, as are required in relation to the report of the commissioners of the estimate of the expense of the improvement by sections twenty-eight and twenty-nine of this title: and all the provisions of said section for review, appeal, revision, correction and confirmation thereof, shall apply thereto, except that the said report shall be filed in the office of the department of city works, for examination, and that if the court shall send the same back for revision and correction, it shall be sent back to the board of assessors or other commissioners of assessment. Upon the confirmation of the report of assessment list of the said board of assessors, and not until then, the rights of the owner or other parties interested in the lands taken to the awards made to them respectively shall become fixed, and the common council shall be thereupon authorized to cause such improvements to be made. In case any assessment list or report of the board of assessors shall be afterward set aside or declared void for irregularity or other cause which shall not affect the validity of the awards made in the same improvement, it shall be the duty of the board of assessors to make out a new assessment list or report in the manner therein provided, which further report and the assessment therein, shall be subject, in all respects, to the provisions in this section, and otherwise in this act provided in relation to the original reports and the assess-

ments thereby made. If the said board of assessors shall, instead of making out an assessment list, as aforesaid, merely report that the lands and premises within the assessment district are not benefited to the amount estimated by the said commissioners for the expenses of the improvement, as the said board of assessors may and shall do, if, in their judgment, such be the fact, the court shall, upon the presentation of such report, for confirmation, order the proceedings for said improvement to be discontinued, and thereupon all proceedings had in relation thereto shall be null and void, and the city shall in no case be liable in relation thereto. It shall be sufficient in making the awards and assessments for damages or benefits under this act, or any special or other act relating to laying out, opening, widening, or extending any street, avenue, boulevard, park or square in said city, for the commissioners appointed or to be appointed, to make the same, and for the board of assessors to state in their reports respectively, the name or names of the parties interested in each piece or parcel of land and buildings or other property taken, and in the name or names of the owners or occupants of each piece of land assessed for benefit as said names may appear in the office of the collector of taxes, and all assessments for benefit and taxes so made, shall be liens upon the land in regard to which they shall be made, notwithstanding any error in the names of the parties interested, owner or owners or occupant, the same as if such name were correct. If in any cases searches shall be necessary, it shall be the duty of the attorney and counselor of the city to make them, by virtue of his office as by this act provided, and in such cases, the statutory fees of the register of the County of Kings may be charged and no more, which shall be included by the commissioner in the estimated expenses of such improvement for the benefit of the city.

§ 32. The comptroller shall pay to the persons (or to attorneys or legal representatives of such) to whom damage may have been awarded in such report, the amount of such damages, with interest at the rate of six per centum per annum from a day thirty days subsequent to the day of confirmation of the respective assessments, pro rata, as moneys on account

of such assessments, shall be received from the department of collection.

§ 33. The commissioners of estimate and assessment, to be appointed as aforesaid, shall be allowed four dollars each for each and every day actually and necessarily employed about their duties, not exceeding for the three commissioners collectively the sum of five hundred dollars, which, with the fees for searches, and the expenses of said map, and the fees of the clerks of the court for any service required by the provisions of this title, and the collection and assessment fees as by this act provided, shall be estimated as a part of the expense of the improvement, and no other expenses, besides the amount awarded for damages, than those herein specified, shall be included in any assessment.

§ 34. In cases of opening, widening or extending any street, avenue or square, road or highway, under the provisions of this act, the county court of the County of Kings, or the county judge thereof in term or vacation, or a justice of the supreme court, shall have power, on application, to appoint guardians for infants or incompetent persons, in the nature of guardians ad litem, to protect their interests or prosecute appeals, who shall be entitled to receive for their services and attendance before the commissioners, and also on appeal, such compensation as the court or a justice thereof may determine.

§ 35. None of the provisions of any act of the legislature of this State shall enable or permit any court to vacate or release any assessment, in fact or apparent, whether void or voidable, on any property, for any local improvement in the City of Brooklyn, otherwise than to reduce any such assessment to the extent the same may have been in fact increased in dollars or cents, by reason of fraud or irregularity, and in no event shall that proportion of any such assessment which is equivalent to the fair value of any actual local improvement be thereby disturbed.

§ 36. All assessments for improvement in said city, when the same shall have been confirmed according to the provisions of this act, shall constitute and be a lien upon the property assessed, from the time of such confirmation, which lien shall

have priority over all other liens and encumbrances, except liens for taxes and water rates.

§ 37. The board of assessors shall, under such regulations as they may adopt, and by at least three of their number, apportion and assess the expenses of regulating, grading or paving, or regrading or repaving streets, and of constructing wells and pumps, public cisterns, lamp-posts and lamps, flagging sidewalks, fencing and filling in lots, and of all other public improvements, except as in this act otherwise directed; and the common council shall proceed in regard to the assessments therefor in the manner herein provided.

§ 38. Upon a copy of the resolution of the common council deciding to make any such improvement and fixing the amount to be assessed for the expense thereof, certified by the city clerk and approved by the mayor, being sent to the board of assessors, they shall thereupon proceed to view the premises, and shall assess the expense of said improvement upon the several lots, pieces or parcels of land benefited, in proportion to the benefit, which, in their opinion, the same shall derive from, or in justice ought to be assessed, for the said improvement. But whenever any of the lots, pieces or parcels of land so benefited shall be under water and belong to the State, the said board of assessors shall in respect to such land make such assessment on the right, interest and claim to and in the said land, of the person or persons who may be entitled to a grant of such lands, from the commissioners of the land office. And all the provisions of this act applicable to said improvement, and the collection of the assessments therefor, shall apply to such right, interest and claim, and to the persons entitled to the same. Nothing herein contained shall be construed so as to affect the title of the State in or to the said lands; but any person or persons who shall take the title to said lands from the State, and while the same remains unpaid, shall take the same subject to the lien of said assessments; provided that the provisions herein contained shall be deemed to apply to lands under water, lying in the eighth, tenth, twelfth and twenty-second wards of the city, and to none others.

§ 39. The board of assessors shall make a report, in writing, of the assessments so made, and before proceeding to sign the same, shall give notice in the corporation newspapers, which notice shall be published for ten days successively, of the time and place when and where the parties interested can be heard; and after hearing the parties, the board of assessors shall proceed and complete the report and sign the same, and return the said report with all objections in writing, which shall be presented to and left with them by any of the parties interested, to the common council, who shall refer the same, in case of any objections, in writing, to the proper committee of the board. The said committee shall publish a notice in the corporation newspapers for ten days successively, to the parties interested, of the time and place when and where they will meet to hear them on the objections and report.

§ 40. The said committee shall thereupon examine the matter and report to the common council, and shall return to them the said report of the board of assessors, with the objections of the parties, together with the views and opinions of the committee respecting the said report.

§ 41. The common council shall thereupon examine the matter, and may correct the said report and assessment, and add any further sum for interest which may be required to reimburse the city for interest due or to become due, on account of bonds issued for the respective improvements, and send it back to the board of assessors for reapportionment, or may confirm the same, as they may deem just and proper, and their confirmation in the matter shall be final and conclusive.

§ 42. The like proceedings shall be had when the report of the board of assessors is sent back in the first instance.

§ 43. If in the proceedings relative to any assessment or assessments for local improvements in the City of Brooklyn, or in the proceedings to collect the same, any fraud or legal irregularity shall be alleged to have been committed, the the*

*So in original.

party aggrieved thereby may apply to a judge of the supreme court, in special term, who shall thereupon, upon due notice to the counsel of the corporation proceed forthwith to hear the proofs and allegations of the parties. If, upon such hearing, it shall appear that the alleged fraud or irregularity has been committed, whereby the expense of any local improvement has been unlawfully increased, the court shall have authority to reduce the assessment by as much as it shall have been increased by such fraud or irregularity, and no proceedings shall be taken by virtue of this act to vacate any assessment under which sales of the property assessed have been made, nor shall any assessment be vacated for the reason that the property assessed is described as in the name of a person not the owner or occupant, unless the party petitioning to have the same vacated shall show that he has been aggrieved thereby, but any lands which may be discharged from any lien pursuant to this section may be again assessed in the manner provided by this title for the levying of assessments, and the same shall be a lien upon the lands so assessed. On the production of the certificate of the judge, before whom the proceedings shall be had, that a judgment vacating any assessment has been made by him, it shall be the duty of the officer having charge of the assessment lists to mark the assessment according to such certificate. Any person applying for relief, under the provisions of this section, may embrace in one proceeding any or all assessments, for local improvements, in which he is interested.

§ 44. In any unconfirmed assessment for local improvement, when the amount assessed, or that would be assessed, on any piece or parcel of land for its proportion of benefit, shall exceed the amount limited by law relative to the value of the land, the board of assessors shall ascertain if there are parcels of land not included in the district of assessment, which, in the judgment of the board of assessors, may justly and equitably be assessed for benefit because of such local improvement, and if the board of assessors shall so find, they shall report to the common council what additional lands may, in their judgment, be assessed for benefit for such im-

provement, and the common council shall thereupon enlarge and extend the district theretofore assessed, or district to be assessed, and shall direct the board of assessors to apportion and assess the amount to be assessed for such improvement in conformity with the provisions of section fifteen of this title, except that the district of assessment shall be the enlarged district, as herein provided. But if the board of assessors find that, in their judgment, there are lands not included in the district of assessment, which may justly and equitably be assessed for benefit because such local improvement, then they shall proceed to apportion and assess the several pieces or parcels of land in the district already fixed, in proportion to the benefit derived by the improvement, except that if the amount that would be assessed to any piece or parcel of land for its proportion of benefit shall exceed the amount limited by law relative to the value of the land, then the amount so exceeding such limit shall be deducted from the assessment on such piece or parcel of land, and the amount so deducted shall be reported to the common council by the board of assessors, with their report of the assessment for such local improvement, and thereupon the common council may confirm the assessment as so reduced, and provide for the deficiency caused by said reduction, by directing the proper authorities to place an amount equal to such deficiency in the annual tax levy. All assessments heretofore laid in said city for any local improvement are hereby confirmed and the amount of the same is hereby levied as a tax on the several pieces or parcels of land on which the same has been heretofore assessed and apportioned, but the proceedings for collecting the same shall not be deemed to be in any manner affected by this act.

§ 45. The common council may take proceedings to fill up, to grade any sunken lots whenever a petition therefor shall be presented, signed and duly sworn to by the owners of a majority of the property or a majority of the owners affected thereby, and said proceedings shall be conducted in the same manner as proceedings for the opening and improvement of streets, except that the same may be taken whether there are or are not funds in the city treasury to pay for said work.

§ 46. The whole cost of such improvement shall be assessed on the lots so filled.

§ 47. The contract shall be awarded to the lowest bidder, who shall stipulate therein and as a part thereof that the contractor shall in no event hold the city liable for the cost of said work or any part thereof, but will rely solely for payment on the money derived from the collection of the assessment for said work.

§ 48. Such assessment shall be confirmed and become a lien on the property within three months, after said work is complete and accepted by the department of city works, or within three months after a certificate of a city surveyor shall be furnished to said board, and as the assessments are received by the comptroller he shall pay over the same to the contractor.

TITLE XX.

OF ELECTIONS.

SECTION 1. The board of elections of the City of Brooklyn shall consist of four members, who shall be appointed by the mayor of said city, and shall be known as commissioners of election. The term of office of each of the members of such board, appointed in the year eighteen hundred and ninety or afterward, to fill a vacancy in the board as then appointed, shall continue until the first day of May, in the year eighteen hundred and ninety-five, as now provided. On or within thirty days after the first day of May in the year eighteen hundred and ninety-five, and on, or within thirty days after the first day of May in every fifth year thereafter, the mayor shall appoint four commissioners of election, who shall constitute such board of elections, each of whom shall be a resident and voter of the City of Brooklyn, and not more than two of whom shall be of the same political party. The term of office of each commissioner of elections hereafter appointed, except when appointed to fill a vacancy, shall be five years from the first day of May of the year of such appointment, but any commissioner may continue to serve as such after the expiration of his term until his successor shall be appointed and shall have qualified. In case of the removal, resignation, or death of any commissioner of elections, within thirty days thereafter, his successor shall be appointed by the mayor for the remainder of the term, the person so appointed to be of like political faith and opinion with the commissioner whose vacancy is to be filled. No person holding any public office of any kind, under either the United States, State, county, or municipal government, excepting the office of notary public or commissioner of deeds, nor any employee of any department in said city shall be eligible as a commissioner of elections, and all votes cast at any general or special election for any person who shall have served as commissioner of elections during any portion of the three months immediately preceding such election for any office, shall be absolutely void. Every

person who shall be appointed a commissioner of elections in pursuance of the provisions of this title, shall before entering upon the discharge of his duties, take the oath of office prescribed by law, before the city clerk of the City of Brooklyn.

§ 2. The said board of elections shall have the power to elect by a majority vote, or in case they cannot so elect to select by lot one of its members president of the board. The two commissioners of like political faith and opinion, shall have power to appoint a clerk, and to remove him from office; and the remaining two commissioners shall have the power to appoint another clerk, and to remove him from office; and the said board shall have the power to appoint such other assistants, and to secure such room or rooms as may be necessary for the transaction of their business.

§ 3. On or before the first day of September in any year which they may deem it necessary so to do, the said board of elections of the City of Brooklyn shall divide said city into convenient election districts for the holding of all general and special elections, and all elections of the officers of the said city who are elected by the people. Each election district of said city shall contain not more than three hundred voters, and each district shall be entire within one ward. In case the voters of any such district shall increase beyond three hundred, then the said board of elections shall have power to redistrict any ward where such increase occurs. No election district in the city of Brooklyn shall be altered, nor any new district created, after the first day of September in any year.

§ 4. As soon as the wards in said city shall be divided into districts, the said board of elections shall immediately publish the same by making a map or description of each division, defining it by known boundaries, and keep such map or description open for public inspection in the office of the clerk of such city, and also by posting up copies of such map on or before the fifteenth day of September, in each year, in at least ten of the most public places in each election district; and the said board of elections shall also, prior to

every election, furnish copies of such map and description to the registrars and inspectors of election in each district.

§ 5. The board of elections of the City of Brooklyn, shall, on the third Monday of September in each and every year, designate and afterward publish, in the corporation newspapers published in said city, on the days of such registration and the day of election, and on two days prior to each of such days, including Sunday, the boundaries of each election district and the places for holding the polls in said city, and for the meeting of the said boards of registrars and inspectors. But no building or part of a building shall be designated as such place of registry or polling place, in any part of which wine, beer, or intoxicating liquor is sold.

§ 6. On or before the fifteenth day of September in each year, the said board of elections shall appoint, for each election district, two persons to serve as registrars of electors, who shall also serve as and be inspectors of elections, on or at any election. On or before the fifteenth day of October in each year, they shall appoint, for each election district, two other persons to serve as inspectors of elections, and four persons to serve as canvassers, two persons to serve as poll clerks, and two persons to serve as ballot clerks. In each election district, one of the two registrars, and one of the two inspectors, and two of the four canvassers, and one of the two poll clerks, and one of the two ballot clerks, shall be named solely by the two commissioners of like political faith and opinion on State and national issues, and shall belong to and represent the political party represented by such commissioners, and the remaining registrar, inspectors, canvassers, poll clerk and ballot clerk of such district shall be named solely by the other two commissioners, and shall belong to and represent the political party represented by such commissioners. Any registrar, inspector, canvasser, poll clerk, or ballot clerk, may be removed or his appointment revoked and another person of like political faith and opinion on State and national issues, appointed in his place by the two commissioners by whom he was appointed; and any vacancy occurring in either of said offices by reason of resignation or inability to serve, may be filled in like manner by the two

commissioners by whom the appointment to such office was made, at any time before the opening of the polls on election day. In case any poll clerk or ballot clerk appointed shall fail to attend at the opening of the polls on election day, the inspectors of like political faith may appoint one in his place; and in case of any vacancy occurring during the voting or canvassing of votes, such vacancy may be filled by the inspectors or canvassers of like political faith, and the said inspectors and canvassers and inspectors shall recognize as the only proper and competent poll clerks and ballot clerks those persons who shall produce the certificates of appointment bearing the latest date, and none other. But in no case shall both the poll clerks or ballot clerks or registrars, or more than two of the persons serving as inspectors or canvassers in any election district be of the same political faith and opinion: and in case of the appointment of a poll clerk or ballot clerk to fill a vacancy after the opening of the polls on election day, as above provided, the chairman of the board of inspectors or the chairman of the board of canvassers shall administer the usual oath of office to such poll clerk or ballot clerk before such poll clerk or ballot clerk shall enter upon the discharge of his duties.

§ 7. The said registrars of electors shall make the registry hereinafter provided for, in the City of Brooklyn, and the said registrars and inspectors shall hold the elections hereinafter mentioned, and preside at the same, and have and possess all the powers and be subject to all the duties and liabilities of inspectors of election. The registrars of each election district shall meet at the place designated for holding the poll therein at the next general election, on Tuesday, four weeks, Wednesday of the third week and Friday and Saturday of the second week preceding the day of the November election of each year, for the purpose of registering the names of the legal voters of such election district, and for this purpose they shall organize themselves as a board of registry in each election district, and appoint, or in case they cannot agree, select by lot, one of their number as chairman of the board. The said board shall be and remain in attendance on each of the days above named at said designated place, from seven o'clock

in the forenoon to ten o'clock in the afternoon, for the purpose of making a list of all persons who are, or will be on the day of the next election, qualified and entitled to vote at such election in said election district, under and in accordance with the provisions of the constitution and laws of this State, and who have personally appeared and asked to be registered. The name of no person, shall, at any time, be entered upon said registry unless the elector shall personally appear before said registrars. Such list, when completed, shall constitute and be known as the registry of electors of said district. Every member of said board shall make a list of qualified voters in the district, and enter therein, under the heading of the street or avenue in which each voter resides, his name, age, residence, and the duration of his residence in the State, in the county, and in the election district; and no person shall be registered unless he be at the time or will be on the day of the next election a resident and qualified voter within the election district: and it shall be the duty of the registrars receiving his name, if such person be challenged, or in case such registrars shall have cause to suspect such person is not a resident of such district, or is from any cause disqualified from voting therein, to administer to him the same oath which the law prescribes shall be administered to a challenged person attempting to vote at a regular election, and such registrars shall make a memorandum on the registry opposite the name of every person who has been thus sworn. The fact that such person has been thus sworn, shall not prevent his being sworn again if challenged for any cause when he attempts to vote at the next election. It shall be the duty of every naturalized citizen, before being registered, to produce to the registrars, if any registrar shall require, his naturalization papers for their inspection and to make oath before them that he is the person purporting to have been naturalized by the papers so produced, unless such citizen was naturalized previous to eighteen hundred and sixty-seven, and any person knowingly taking a false oath before such registrars shall be punished as for wilful and corrupt perjury. If at any time on or prior to the Thursday preceding the day of election, the board of registrars in any election district shall be satisfied that any per-

son otherwise eligible as a voter in the said city has by mistake been registered in the election district in which said board shall have been and shall be serving, and shall be entitled to be registered in another district in the same ward, they shall strike his name from the said registry, and thereupon give to such voter a certificate, signed by said board, that his name has been stricken from their said registry on account of such mistake, and on presentation of such certificate within the prescribed hours of their session, as herein provided, to the registrars of the district where said voter, according to law, was duly entitled to be registered, his name shall be entered on the registry in such district with like force and effect as if he had been originally registered therein. If any person who has registered his name as a voter shall change his residence to another district thirty days or more before the election, he may present himself to the registrars of the district in which he has registered and state to them on oath that he has so changed his residence, and the place to which he has removed. Such board of registrars shall thereupon give him a certificate that his name has been stricken off on account of such removal, and shall strike his name off from the registry on which it has been entered; and on presentation of such certificate to the registrars of the district to which he shall have so removed, at their final meeting, on the Thursday preceding the day of election, his name shall be entered on the registry in such district, with a memorandum of such removal.

§ 8. If any voter, after being registered, shall change his place of residence within the same election district, he may appear before the board of registrars of that district at their final meeting on the Thursday preceding the day of election, or before the board of inspectors on day of election; and state to such board on oath that he has so changed his residence; and such board shall thereupon transfer such voters's name upon their registry to its proper place under his new residence.

§ 9. On the Monday next after the last of the four days hereinbefore provided for the registration of voters the said registrars of each election district shall make and complete

four additional lists of said registry, and enter therein the names of the persons registered, under the heading of the streets or avenues in which they reside, their age, place of residence in numerical order, length of time of residence in the state, in the county and in the election district, and in a column headed "remarks" if to be challenged, as follows :

NAME OF STREET OR AVENUE

Residence, number or other design- ation.	Name of Voter.	Age.	Length of resi- dence in state.	Length of residence in the county.	Length of residence in the district.	Remarks. (to be challenged)

The said lists, when so completed, shall be signed and certified by each registrar. Two of the said lists shall be carefully preserved by the board of registrars for use on the day of election, and the other two lists shall be delivered on the following day to the board of elections, and it shall be the duty of said board of elections to print and distribute for each ward, respectively, fifty times as many copies of said lists as there are districts in the ward, in pamphlet form, so that each ward pamphlet shall contain the list of the several election districts in each ward. It shall also be the duty of the said board of elections to select and hire all polling places and place them in proper order and condition ; to furnish to the various election officers provided for in this title, such registries, maps, books, blanks, instructions and stationery as may be necessary for the proper discharge of their duties.

See Chap. 355, Laws of 1890.

§ 10. On the Thursday preceding the day of election it shall be the duty of the registrars of each election district to hold a meeting from eight o'clock in the forenoon to eleven

o'clock in the afternoon, at the polling place of such district, for revising and correcting the registries of electors, to receive testimony and arrange for challenge at the polls, but no name shall be added to or erased from any registry at such meeting except on certificate from the board of elections, or another board of registrars, as is herein provided. They shall prepare four lists of the names added to the registry of the district upon such certificates, which names shall be entered in such lists under headings as hereinbefore provided for the registries. Such lists shall be known as supplemental registries, two of them shall be retained by the registrars for use on the day of election, and the other two shall be delivered to the board of elections at or before noon of the Friday before the day of election. Such supplemental registry in each district shall be considered and shall be a part of the registry thereof.

§ 11. It shall be the duty of said registrars and said inspectors to act as inspectors of elections in the districts wherein they are appointed at the next general election after such appointment. They shall together form a board of inspectors of election by appointing, or in case they cannot agree, selecting by lot one of their members to be chairman, and shall also designate two of their number at the opening of the polls, who shall check the name of every voter voting in such district, whose name is on the registry, and no vote shall be received at any general election unless the name of the person offering to vote be on the said registry, and any person whose name is on the registry may be challenged, and the same oaths shall be put as are now prescribed by law, and no person shall be permitted to vote at any election in the City of Brooklyn unless his name shall have been duly registered in accordance with the provisions of this title. It shall be their duty to be in constant attendance during the hours allotted for the discharge of their duties. They shall perform all the duties and possess all the powers of inspectors of election in the several towns of this State, as now prescribed by law. The inspectors shall cause the lapse of every hour to be entered upon the margin of the poll-lists, beginning at the opening of

the polls, and continuing from hour to hour : by noting the hour opposite the name of the respective voter, and causing their chairman to sign his name under each entry, and shall also enter the time of the closing of the polls opposite to the name of the last voter. The compensation of the registrars, as registrars, shall be five dollars for each day for six days only, and the compensation of each inspector shall be five dollars, and that of the poll-clerk shall be five dollars for the election and five dollars for the canvass, and that of each of the ballot clerks shall be five dollars, and each canvasser shall receive five dollars for the canvass, and shall be exempt from jury duty for one year thereafter. The registrars and the inspectors of election and canvassers in each election district, while discharging any of the duties imposed upon them by this title, shall have full power and authority, and they are hereby required to preserve order and enforce obedience to their lawful commands at and around the place of registration or election during the day of any registration, revision of registration, election or canvass, estimate or return of votes, to keep the access to such place open and unobstructed, to prevent and suppress riots, tumult, violence, disorder and all improper practices tending to the intimidation or obstruction of voters, the disturbance or interruption of the work of registration, revision of registration or voting, or the canvass estimate or returns of votes, and to protect the voters, challengers and persons designated to watch the canvass of any ballots from intimidation or violence and the registries, poll-books, boxes and ballots from violence and fraud, and to appoint or depute, if necessary, one or more electors to communicate their orders and directions* and to assist in the enforcement thereof.

Chap. 234, Laws of 1893.

§ 12. The clerks of each poll shall enter upon the poll list kept by them, in columns prepared for that purpose, first, the residence, number and street of the person voting ; second, the name of each person voting ; third, his age ; fourth, the number on the stub of the ballot received by him and

*So in original.

voted ; and shall perform such duties as are imposed by law on poll clerks in the City of Brooklyn.

§ 13. The ballot clerks of each polling place shall receive from the inspectors of such polling place all the official ballots furnished therefor, at the opening of the polls thereof and shall deliver one of each of the ballots to each voter, when so directed by the inspectors, each of which ballots shall have on the stub thereof, the same number, and they shall each write their initials on the stub of each ballot, and shall render and deliver to the board of elections the statement required by chapter two hundred and sixty-two of the laws of eighteen hundred and ninety.

§ 14. Upon the closing of the polls and immediately thereafter the board of inspectors shall securely seal the ballot box and the box containing the unvoted ballots, and each of them, and deliver the same together with the poll lists and registries of electors to the board of canvassers.

§ 15. At least fifteen minutes before the closing of the poll the board of canvassers shall meet and organize by electing one of their members chairman ; they shall then receive the key of the ballot box and the key of the box containing the unvoted ballots from the police ; and it shall be their duty in each election district to attend at the place of holding the poll at the closing thereof ; they shall receive from the board of inspectors of election the said ballot box and box containing the unvoted ballots, poll lists and registries of electors, and as soon as the poll of any election shall have been finally closed shall canvass and count the votes. Such canvass shall be public, and shall not be adjourned or postponed until it shall have been fully completed ; and such canvass shall be commenced, conducted and completed, and the result stated in the manner now provided by law. The ballots, immediately after the same shall be canvassed and counted, shall be placed again by the canvassers in the ballot box from which they were taken, except such as are attached to the returns of the election ; and the canvassers shall place in the ballot box with the ballots a certificate stating the number of votes cast and the number of votes by them attached to the returns

of said election ; and said ballot box, after the tickets shall be so replaced, shall be securely sealed up by the canvassers, and shall then be deposited by them in the department of police, and shall there be kept undisturbed and inviolate until needed at the next election, unless required as evidence in any court of record. If a greater number of ballots shall be found in the box than is required by the corresponding columns of the poll list, all the ballots shall be replaced in the box, and one of the said canvassers, to be designated by the board, shall, without seeing the same, and with his back to the box, publicly draw out and destroy as many ballots unopened as shall be equal to such excess ; but if two or more ballots are so folded together as to present the appearance of a single ballot they shall be destroyed if the whole number of ballots exceed the whole number of votes deposited in the box in which such tickets are found, as shown by the poll lists kept by the poll clerks.

§ 16. The canvassers, when they shall have canvassed all the ballots for the first candidate on the ticket, shall immediately announce the result, and send a written statement thereof, subscribed with their names, to the officer in charge of the police precinct in which the election district is located ; and that officer shall immediately transmit the result of such statement to the head of the police department, and so on as the canvass of each successive candidate is completed. Such statement shall contain the total number of votes in such ballot box, and the number of votes found therein for each and every candidate. The officer receiving such statement shall file it in his office, and it shall be regarded as presumptive evidence for the space of one year, of the facts therein, stated in any court of this State, in any action or proceedings.

§ 17. Upon the completion of the canvass, the canvassers shall make returns in triplicate, and shall within twenty-four hours deposit them as follows, under a penalty of fifty dollars, to be recovered as provided in the nineteenth section of this title : One copy shall be deposited with the board of elections, and one with the county clerk. The remaining copy shall be deposited with the police department, by whom

it shall be at once opened and its contents publicly announced on a bulletin board. It shall, also, under proper regulations for its safe keeping, be open for the inspection of any candidate. Poll clerks in the several election districts of the City of Brooklyn shall file with the city clerk, county clerk and police board, within twenty-four hours after the completion of the canvass, a copy of their original tallies from which the canvass is made up of the votes cast and counted at the election, signed with their respective names and addresses and indorsed with the number of the election district and ward. The poll lists shall within the same time be filed, one with the board of elections and one with the county clerk. Canvassers shall sign each page of each return, and shall seal the returns before filing them. The canvassers shall immediately after the completion of the canvass, burn without examination the ballots contained in the box of unvoted ballots.

§ 18. Each person who shall be appointed as registrar, poll clerk, ballot clerk, inspector or canvasser of elections in pursuance of the provisions of this title shall, before entering upon the discharge of his duties, take the oath now prescribed by law for registrars, poll clerks, ballot clerks, inspectors and canvassers of election respectively before a member of the board of elections or one of their clerks or assistants, who are hereby authorized to administer such oaths; and the said registrars, poll clerks, ballot clerks, inspectors and canvassers shall file the same with the said board within five days after receiving notice of their appointments, except in case of appointments made to fill vacancies; and in such case each person appointed shall take such oath, and file the same in the office of the board within twenty-four hours after receiving notice of his appointment, and such appointment shall be from the same political party as the person in whose place he was appointed. In case any vacancy occurs among the inspectors or canvassers after the opening of the polls on the day of election, it shall be filled by the remaining member of like political faith of said boards respectively, by appointing some suitable person of the same political faith as the person whose place is to be so

filled. And in case of the appointment of an inspector or canvasser to fill a vacancy, after the opening of the polls on election day, as above provided, the chairman of the board of inspectors or the chairman of the board of canvassers, shall administer the usual oath of office to the inspector or canvasser so appointed, before such inspector or canvasser shall enter upon the discharge of his duties.

§ 19. Every person appointed as registrar, poll clerk, ballot clerk, canvasser or inspector of election, failing to take and file the oath of office as hereinbefore provided, or who shall willfully neglect or refuse to discharge the duties of such registrar or canvasser, inspector, poll clerk or ballot clerk, shall, unless excused by the board of elections, be liable to a penalty of one hundred dollars, to be sued for and recovered by said board in any court of record, in the name of the City of Brooklyn, for the use and benefit of the city treasury; and any registrar, inspector, canvasser, poll clerk or ballot clerk who, being removed for any cause, shall fail upon demand to deliver over to his successor the registry list, or any tally sheet, book, paper, memorandum or document relating to the election, so far as he has made it, shall be liable to a like penalty of one hundred dollars, to be recovered in the same manner.

§ 20. Any registrar, inspector or canvasser of elections, poll clerk or ballot clerk, who shall willfully absent himself from his duties shall be guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail for not less than thirty days and not to exceed sixty days; and any person knowingly acting as registrar, inspector, poll clerk, ballot clerk or canvasser of elections without the qualifications herein prescribed, shall on conviction thereof be deemed guilty of a misdemeanor and shall be punished in a like manner.

§ 21. Any person who shall knowingly make any false statement to any board of registrars or inspectors shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by imprisonment in the county jail for not less than thirty days and not to exceed three months.

§ 22. Any registrar who shall register the name of any person knowing him not to be entitled to be so registered, or any person who shall cause his name to be registered in more than one election district, except only to correct a mistake, as herein provided, or who shall cause his name to be registered, knowing that he is not a qualified voter in the district where such registry is made, or who shall falsely personate any registered voter or register or attempt to register, or vote or offer to vote under a false name shall upon conviction, be imprisoned in the state prison for not less than one year nor more than two years.

§ 23. Any person who shall mingle or attempt to mingle any ballot or ballots that have not been voted with any ballots that have been voted, with intent to prevent a correct canvass, or who shall destroy or remove any ballot that has been voted with like intention, or who shall abstract or in any respect forge, alter or destroy, or make way with any registry, certificate count, tally, statement or return, or any writing required to be kept by this title or by any of the laws of this State, relating to elections, or any officer of elections, or person acting as such, who shall willfully refuse or neglect to deposit in the proper ballot box any ballot offered to him by any person for that purpose, unless for just cause he immediately return it to such person, or shall falsely count, read or tally any name or names on any ticket that has been voted, or falsely announce the number of tickets or ballots any person has voted, or the result of any canvass; or shall knowingly deposit it in the box ballots offered by persons who are not registered, or shall make any return or statement required by this act, or by any of the laws of this State relating to elections, knowing the same to be untrue, or shall be guilty of any fraud, in the execution or the duties of such office, shall on conviction be punished by imprisonment in a state prison for not less than one or more than three years. The term "officers of election," used in this section shall apply to and embrace registrars, inspectors, canvassers, poll clerks and ballot clerks, and all persons who shall act in either of such capacities.

§ 24. No person shall be appointed as registrar, inspector of elections, canvasser, poll clerk or ballot clerk unless he shall be at the time of his appointment a qualified voter in, and resident of the ward containing the election district for which he may be appointed, and able to read, write and speak the English language. And no person shall be so appointed who shall hold at the time of appointment any public office or place of public trust (except that of a notary public or commissioner of deeds, or a registrar, inspector, canvasser, poll clerk or ballot clerk under this title), whether elected or appointed thereto, or who shall be at such time employed in any public office, or by any public officer, whose services are paid for out of the public moneys, or who shall be a candidate for any public office at the election for which he is to serve. And any person appointed as such registrar, inspector, poll clerk, ballot clerk or canvasser who shall be appointed or elected to, or accept or become a candidate for such public office or such employment therein, or by any public officer aforesaid, shall immediately thereupon cease to be such registrar, inspector, poll clerk, ballot clerk or canvasser, and the place of such registrar, inspector, poll clerk, ballot clerk or canvasser shall thereupon be filled by the said members of the board of elections as hereinbefore provided for the filling of vacancies by said members of the board of elections respectively.

§ 25. It shall be unlawful for any registrar, inspector, canvasser or poll clerk to distribute or offer to distribute, or give out any ballots, tickets or vote to any person during the time the polls shall be open with the intent or for the purpose that the same shall or may be voted; or to have in his possession or within his control any ballot or ballots, ticket or tickets, vote or votes, except in the lawful discharge of his duty as prescribed by this title; and by chapter two hundred and sixty-two, of the laws of eighteen hundred and ninety; provided, however, that nothing herein contained shall be deemed to prohibit such officer from lawfully exercising his individual right to vote. No canvasser shall, during any portion of the canvass of the votes, have in his possession or within his control, any ballot,

ticket or votes, except in the lawful discharge of his duty as prescribed in this title. Each voter shall be admitted into the room where the votes are received when he deposits his ballot, and the ballot box to be so placed that it and its contents shall be visible at all times during the day and until the counting of the ballots shall be completed, to any persons who are voting, and to those who are watching the voting and the counting of the ballots. Any person convicted of a violation of any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the county jail for not less than three nor more than twelve months.

§ 26. The salaries of said board of elections and their clerks, and the necessary expenses of said board and the legal compensation of all registrars, inspectors and canvassers of election, poll clerks and ballot clerks: the cost and expenses of all necessary election notices, posters, maps, advertisements, registries, books, pamphlets, blanks, official and sample ballots and stationery, the rent and cost of fitting up, warming, lighting, cleaning, and safe keeping of all places of registration, revision of registration, and polling places, the building, care of and repairing of voting booths and buildings for registering and polling places, together with guard rails and all furniture appertaining thereto, of furnishing, repairing, storing and carting ballot boxes, buildings, booths, guard rails and furniture, and all supplies of every kind and nature for all elections in the City of Brooklyn, and insurance to such an amount as to the said board may seem just on buildings, booths, ballot boxes and furniture, shall be a city charge and shall, upon proper certificate and vouchers, after being audited by the auditor of the City of Brooklyn, be paid by the comptroller of said city. Said board of elections may make requisitions on the comptroller for such sums as shall be necessary for such payments. Each commissioner of elections shall be paid for his services at the rate of four thousand dollars a year, and the clerks shall receive a salary to be fixed by the board at a rate not exceeding two thousand dollars a year.

§ 27. Whoever during the sitting of any board of registrars, inspectors, or canvassers of elections in any election district in the City of Brooklyn, whether held for the purpose of registration, revision of registration, reception or canvass of votes, or of making returns thereof shall bring, take, order or send into, or shall cause to be taken, brought, ordered or sent into, or shall attempt to bring, take or send into any place of registration, or revision of registration, or of election, any distilled or spirituous liquors whatever, or shall at any such time and place drink or partake of such liquors, shall be deemed guilty of a misdemeanor.

§ 28. On the Monday, Tuesday, Wednesday and Thursday of the week immediately preceding any general election the board of elections shall be in session at their rooms from nine o'clock in the forenoon until nine o'clock in the afternoon of each of such days, at each of which sessions at least two members of the board, being of different political faith and opinion, shall be present. At any such session of the board any naturalized citizen who may have been naturalized on any day subsequent to the last day of registration and ten days before the day of election, or who has failed to register because of the error or mistake of any board of registrars, may appear before said board of elections and make application for a registration certificate. Every such applicant shall make an affidavit before one of the commissioners of election, they being hereby authorized to administer such oaths, wherein he shall set forth his name, his residence, his age, the length of time of his residence in the State, the county, and the election district in which he desires to be registered, the date of his naturalization if a naturalized citizen, and the reasons of his having failed to register; and in addition to such facts, he shall answer such questions in relation thereto as either commissioner may ask, and such answers, if so required by either commissioner, shall be included in such affidavit. If from such affidavit it appears that the applicant is or on the day of election will be a duly qualified voter and is entitled to be registered, and has failed to register for the reasons hereinbefore set forth, any two commissioners of elections, being of different political faith and opinion may grant and give to him a registration

certificate. Every such registration certificate shall be addressed to the registrars of the election district wherein the applicant is entitled to be registered, and shall state the applicant's name, residence, age, and the length of time of his residence in the State, county and the election district, and shall direct the said registrars to register the person named therein upon presentation to them by him in person of such certificate, and shall be signed by each of the commissioners granting the same. Upon such personal presentation of any such registration certificate to the registrars of the proper election district, at their meeting on the Thursday preceding the day of election, they shall register the person named therein, and enter his name in the supplemental registry as hereinbefore provided.

§ 29. The board of elections shall keep an alphabetical list of the names of all persons to whom registration certificates are given, in which list shall be stated, opposite each name, the date of the certificate, the number of the ward and the election district to which directed, and the names or initials of the commissioners granting the same. Every such registration certificate, upon which the person named therein has been registered, shall be retained by the registrars receiving the same, and by them returned to the board of elections on the Friday preceding the day of election, and such certificate shall be preserved by the board of elections at least one year.

§ 30. It shall be the duty of the board of elections to publish the several notices and advertisements in relation to any election which are now required by law to be published by any official or board in the City of Brooklyn.

§ 31. If any special election shall be ordered in the City of Brooklyn, it shall be the duty of the board of registry, within the district in which such special election is to be held, to meet on the Tuesday preceding such special election, from eight in the forenoon to eleven o'clock in the evening, for the purpose of revising and correcting the registries. And at such meeting they may add to the registries the names of all unregistered persons who would be entitled to vote at such special election, as provided in the ninth section

of this title, each in his proper district and on proper certificate, as provided for in section seven of this title, the names of any persons who have changed their residence since the previous registry.

§ 32. The chairman of each board of registrars, inspectors and canvassers shall, within twenty-four hours after any election, furnish to the board of elections, under his hand, a certificate stating the days of actual service of each member of such board under this title ; and the chairman of the board of canvassers shall also furnish to each canvasser a certificate of his services as such canvasser, which shall entitle him to exemption from jury service for a period of one year from its date. If his certificate shall be willfully false, he shall be liable to a penalty of one hundred dollars.

§ 33. The powers of appointment hereinbefore given to, and any duty required to be performed by, the two members of said board of elections of like political faith and opinion shall vest in and be exercised by one of said two members, in case of the death, resignation or other inability to serve, of his colleague in political faith and opinion.

§ 34. All acts and parts of acts inconsistent with this act, so far as the same are applicable to the City of Brooklyn, are hereby repealed.

§ 35. This act shall take effect immediately.

See Chap. 355, Laws of 1890, Secs. 7, 9 and 11 ;
this entire title is amended by Chap. 236, Laws of 1891.

See General Election law, Ch. 680, Laws of 1892.

See Chap. 275, Laws of 1894.

TITLE XXI.

COURTS OF JUSTICE OF THE PEACE AND POLICE COURTS.

SECTION 1. The City of Brooklyn is hereby divided into three judicial districts as follows: The first district shall embrace the territory now embraced in the first, second, fifth, sixth, eighth, tenth and twelfth wards. The second district shall embrace territory now embraced in the third, fourth, seventh, ninth, eleventh, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth and twenty-sixth wards. The third district shall embrace the territory now embraced in the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth wards.

§ 2. The justices of the peace elected under this act shall hold court in the judicial districts for which they shall have been elected, and in no other, except that in case any justice shall be absent or unable to hold court, any other justice of the peace in said city may, upon request of the justice or clerk of said court, hold court in his stead pending such absence or disability: and when so holding court such justice shall have the same jurisdiction in all cases as the justices regularly holding such court, except that when any testimony shall have been taken he shall not try the matter at issue or render judgment therein. This is hereby declared to be in lieu of all other acts which provide for the elections of justices of the peace in the City of Brooklyn, or for holding such justice's courts other than those provided by this act, and all designations of such courts by district numbers and all boundaries of the same, except as provided for in this act, are hereby abolished.

§ 3 It shall be the duty of the board of elections of the

City of Brooklyn, whenever justices of the peace are to be elected, to provide at every polling place within said city a separate ballot box for the reception of the ballots for the said justices, which ballot box shall be labeled "Judiciary City;" such ballots shall be in the form prescribed by law and shall have thereon the designation "For Justices of the Peace," the names of the persons to be voted for, with the numbers of the districts, and shall be endorsed "Judiciary—City."

§ 4. The term of office of the justices of the peace to be elected pursuant to the provisions of this act, shall be four years, and at the general election next preceding the expiration of their respective terms of office, and every four years thereafter their successors shall be chosen in the manner herein provided. They shall each receive a salary of four thousand five hundred dollars per annum. No justice of the peace elected under the provisions of this act, and no police justice appointed as hereinafter provided, shall receive any other fee or compensation than the salary provided for herein. The justices of the peace elected pursuant to this act shall have and exercise such jurisdiction and powers, and perform such duties as are designated by the code of criminal procedure and the code of civil procedure, to be exercised and performed by justices of the peace.

As to salary of justices of the peace, see Chap. 103, Laws of 1888.

§ 5. Any person shall be qualified and eligible for election to the said office of justice of the peace, who shall at the time of such election be a resident and elector in the City of Brooklyn.

§ 6. All civil actions brought before justices of the peace elected pursuant to the provisions of this act, except those brought by non-residents, must be brought in the judicial district in which either one of the plaintiffs or one of the defendants resides, or in an adjoining district. All summary proceedings for the recovery of the possession of land must be brought in the judicial district in which the land, or a portion thereof, is situated, which is sought to be re-

covered, or in an adjoining district. The clerks, and the clerks only, of the respective justices and police courts are hereby required to collect and pay into the city treasury all fees, fines, penalties and all fees in summary proceedings, keep a docket of all such cases, and report the same to the comptroller. All actions upon the charter or ordinances of the corporation of the City of Brooklyn, or of any department thereof, which shall be brought in a court of a justice of the peace or of a police justice, shall be brought in the judicial district in which the offence is alleged to have been committed, or in an adjoining district. Any justice of the peace in said city may issue warrants for any alleged criminal offense within said city; but such warrants must be returnable before a justice of the peace or a police justice in the judicial district in which the offense is alleged to have been committed, or in an adjoining district. The foregoing provisions of this section shall apply only to the justices and the courts held by justices elected or appointed pursuant to the provisions of this act. The clerks of the said courts shall have the power to adjourn summary proceedings for the recovery of the possession of land, in the absence of the justice, not to exceed two days at any one adjournment, nor six days in the aggregate in any one case.

§ 7. All proceedings brought by or on behalf of the County of Kings, in cases of abandonment or bastardy; may be brought before any justice of the peace or police justice in said city in the same manner as such cases are now entitled to be brought before justices of the peace in said city, and such justices shall have concurrent jurisdiction in such cases.

§ 8. The common council of said city are hereby authorized to lease court-rooms for the use of the justices of the peace and police justices, for a term of years not to exceed five at any one time.

§ 9. There shall be no justices of the peace or police justice hereafter elected in the City of Brooklyn, except in the place of justices of the peace chosen at the general election in eighteen hundred and seventy-nine, and their successors.

§ 10. There shall be in the City of Brooklyn four local inferior courts to be known as police courts. One of said courts shall be located in the city hall building, or at such other place in the vicinity thereof as the common council may determine; and one in each judicial district, at such place as the common council may determine. The justices of said police courts shall be designated police justices, and be appointed as hereinafter provided. They shall have the same powers and privileges, the same jurisdiction, perform the same duties, and be subject to the same laws as are applicable to the police justices in said city at the passage of this act, and shall receive a salary at the rate of five thousand dollars per year, and their term of office shall be for four years.

The appointment of two additional police justices provided for by Chap. 295, Laws of 1891.

Appointment of police justice in the territory formerly comprising the town of Gravesend provided for by Chap. 449, Laws of 1894.

Appointment of police justices for the territory formerly comprising the town of Flatbush provided for Chap. 356, Laws of 1894.

§ 11. On the second Tuesday in July next preceding each expiration of the respective terms of office of police justices, the mayor, comptroller and auditor shall meet in the office of the comptroller, at twelve o'clock noon, and shall, by a concurrent vote, proceed to appoint successors to said police justices, and shall designate one of such police justices to hold court at or near the city hall, and one police justice to hold court in each judicial district as created by this act. In case the said mayor, comptroller and auditor shall fail to agree within five days after a majority of them shall have first met for that purpose then the mayor shall appoint one, the comptroller shall appoint one, the auditor shall appoint one, and a majority of said mayor, comptroller and auditor shall appoint one of said police justices, and in that case a majority shall designate the courts to be held by such justices as above provided. They or a majority of them shall also appoint a police justice to fill any vacancy which may occur. The said mayor, comptroller and auditor, or a majority of them, shall subscribe to duplicate certificates of each

appointment of police justices, one of which certificates shall be filed in the office of the city clerk, and one in the office of the county clerk of Kings County. Each person so appointed shall, within twenty days after receiving notice of such appointment, take the oath of office and file a bond in the sum of twenty-five hundred dollars, to be approved by the comptroller, in the office of the city clerk, which shall be deemed an acceptance of such appointment.

§ 12. The police justices appointed in said city shall take office on the first day of May,* and shall hold office until their successors are duly appointed and qualified, which successors shall be appointed as provided in section eleven of this title. In case of a vacancy in the office of police justice in said city, the vacancy shall be filled, as provided in section eleven of this title, until the expiration of the term during which the vacancy occurs. In case of a vacancy in the office of justice of the peace in said city, such vacancy shall be filled by the mayor until the next general election.

§ 13. The board of police and excise shall cause all persons arrested by authority of that department, or by any of its officers, except upon a warrant issued by a justice of the peace to be conveyed, in the manner now provided by law, to the most convenient police court for trial or examination according to law.

§ 14. From and after the passage of this act, the justices of the peace and police justices in said city shall each have sole power to appoint a clerk of their respective courts ; also to appoint such other clerks, assistants, stenographers as the common council may authorize. All such appointees to serve during the pleasure of said justices.

§ 15. Whenever a stenographer shall be appointed in any justice's court he shall be skilled in the art of stenography, shall qualify under oath and shall take minutes of the proceedings in the courts under the direction of the justice, correctly transcribe the same and file the written minutes in the court ; such minutes shall be deemed to be the record of the proceedings or proofs so taken, the same as if taken by the

*So in original.

justice, except that in all cases where the testimony is required to be signed by the witness, the minutes must be taken by him without the aid of the art of stenography.

§ 16. Whenever the mayor, the comptroller, the commissioner of police and excise and the commissioner of city works of said city, or a majority of them, shall determine to erect a building or buildings for the transaction of business of any of the courts of the justices of the peace or police justices in said city, they are hereby authorized to cause the erection of such building or buildings in such manner as they shall deem to be for the best interest of the city, the work to be done under the direction of the commissioner of city works, and they are also hereby authorized to acquire lands for the purpose provided for in this section, in the same manner as lands are acquired for railroad purposes.

§ 17. For the purpose of providing moneys for the erection of such building or buildings, and acquiring land therefor, whenever the mayor, the comptroller, the head of the department of police and the commissioner of city works, or a majority of them, shall so determine and direct, the financial officers of said city, are authorized and directed to pay out of any moneys in the city treasury of said city, the cost and expense of said building or buildings, and of the acquisition of land therefor as directed by the said commissioner of city works, provided that the said amount shall not exceed fifty thousand dollars in any one year.

§ 18. For the purpose of reimbursing the treasury of the city, the proper authorities are directed to insert said amount in the budget or tax levy to be laid on the property of said city in the year next succeeding the incurring of such indebtedness.

§ 19. The officers hereby charged with the duty of erecting buildings shall be deemed to be trustees of such buildings for and on behalf of the city with full power and authority to determine what justice or justices shall occupy the same and to rent any part of said building not necessary during the term of said rental for the use of said courts, and they may also assign any part of the buildings erected by them not needed for court purposes to the use of the police department of said city as station houses.

TITLE XXII.

MISCELLANEOUS PROVISIONS.

SECTION 1. Any person who may be required to take an oath or affirmation, under and by virtue of any provision of this act, who shall willfully and falsely swear or affirm to any material fact or matter under such oath or affirmation legally administered, shall, upon conviction, be adjudged guilty of perjury.

§ 2. No person shall be incompetent as a judge, justice, witness or juror by reason of his being an inhabitant or freeholder of the City of Brooklyn, in any action or proceeding in which the city is a party or interested.

§ 3. The offices of the city clerk, auditor, department of city works, comptroller, collector of taxes and assessments, registrar of arrears and treasurer shall be, and they are hereby declared to be the offices of record for the purpose of filing, recording and safe keeping of any and all papers and documents of the city appertaining or belonging to the said several offices; and all provisions of law relating to offices of record, or the preservation or safe keeping of papers or records therein, are hereby declared to apply to said several offices.

§ 4. Every embezzlement of money by any officer elected or appointed under this act, or by a clerk, deputy or assistant of such officer, shall be deemed a felony, punishable by fine or imprisonment, or both.

§ 5. Any alderman or other official of said city who shall vote to authorize any expense or to incur any indebtedness by or against said city, when the means to meet or pay the same shall not be provided or applicable to the purpose, shall be deemed guilty of a misdemeanor, and on conviction thereof, the term of office of such alderman or other official shall cease and determine, and he shall be ineligible to hold any office in said city for the space of five years from the date of such conviction.

§ 6. Every ordinance, resolution or by-law of the common council may be read in evidence in all courts and legal proceedings from the volume of ordinances published or to be published by order of the said common council, without any other proof of the passage or publication thereof, but such publication shall be only presumptive evidence that the same has been duly published in the corporation newspapers as required by this act.

§ 7. Any civil or criminal process, attachment or execution may be served or levied upon any person or property, on board of any vessel which, at the time of such service or levy, shall be attached or fastened to any wharf, pier, bulkhead or landing place in said city, or lying so near thereto that a person can step from the same upon such vessel, or shall be fastened to any other vessel or vessels which shall be so attached to or lying at any such wharf, pier, bulkhead, or landing place in the same manner and with like effect as if such vessel was actually within said city.

§ 8. All the penalties prescribed by this act, or by any ordinance of the city, shall, when recovered, be paid into the treasury for the use of the city, except as hereinbefore provided.

§ 9. The head of each department shall organize such bureaus as may be deemed necessary by the commissioner or head thereof. They shall also appoint such number of clerks and employees as may be necessary in the several departments.

§ 10. No moneys belonging to the city shall be deposited in any institution in which any receiving or disbursing officer of the city shall be either officer, director, or trustee. No city officer authorized to receive or disburse moneys of the city shall be an officer, director or trustee of any moneyed institution in which any part of the city funds may or shall be deposited; and, in case any city officer shall become an officer, director or trustee of any such institution, his office shall immediately be deemed vacant, and the mayor shall appoint, a suitable person to fill such vacancy.

§ 11. All violations of any ordinance of the City of Brooklyn, which consist of acts or things done by any person, and not of mere omission or neglect, may be proceeded against summarily before any police justice or justice of the peace in said city ; such proceedings shall be commenced by warrant, upon proper proof, and shall be continued and conducted in the same manner as criminal proceedings are now conducted in cases triable before such justices, or either of them, as a court of special sessions, but no party charged with such offense shall have the right to waive an examination, or to elect to go before any higher court or tribunal.

§ 12. Such justices shall have authority to fine the person offending as aforesaid a sum equal to the penalty prescribed by the ordinances, and may sentence such persons, in default of payment, to be confined to the county jail for a period not exceeding ten days, and not exceeding the penalty prescribed as aforesaid, and all laws relating to trials by courts of special session* in the City of Brooklyn, not inconsistent herewith, shall apply to such trials. In the proceedings hereby authorized, the offense shall be deemed to be sufficiently described by stating the ordinance and the section thereof claimed to be violated.

§ 13. In all suits for the violation of any ordinance in the city, prosecuted in the justices' or police courts thereof, the summons shall be deemed to be served in time, if served three days before the return day thereof; and in case the defendant be absent from his residence or place of business, the summons may be served by leaving a copy of the same at either of such places with a person of mature age in charge thereof; but no execution, except against property, shall be issued on any judgment in such suit, unless the summons was personally served on the defendant.

§ 14. Gunpowder which shall be found in any store, storehouse, manufactory or other building in the city, or which may be found in any cart, wagon or other vehicle, or on board any ship, brig or other vessel, which shall make fast to or anchor within two hundred feet of any pier, wharf

*So in original.

or bulkhead in the city, in violation of any of the provisions of this law, shall be immediately seized by the police commissioner or his inspectors, and removed to some secure place.

§ 15. Nothing in this act contained shall in any way apply to any gunpowder which may be stored in the United States navy yard, or which may be on board of any vessel within the jurisdiction of the United States navy yard.

§ 16. It shall not be lawful for any person to have kegs of gunpowder, or cause to be kept in any store, storehouse, manufactory or other building within the City of Brooklyn, any quantity of gunpowder exceeding twenty-five pounds in weight, under the penalty of the forfeiture of the gunpowder and an additional penalty of fifty dollars; and all gunpowder which may be kept in the building within said city shall be kept in tin canisters, and said canisters shall at all times be kept securely closed, except when necessary for its delivery on sale.

§ 17. No person shall carry, or cause to be carried, any gunpowder through any street, lane or alley in the city, unless the same be secured in tight casks, kegs or cases, well headed and hooped; and said casks, kegs or cases shall be put into and entirely covered with a bag or case sufficiently to prevent any said gunpowder from being spilled or scattered, under the penalty of forfeiture of the gunpowder, and a fine of fifty dollars for every violation of the provisions of this act.

§ 18. It shall not be lawful for any ship, bark, brig, lighter or vessel containing any quantity of gunpowder over and above twenty-five pounds, to make fast or to anchor within two hundred yards of any pier, wharf or bulkhead within the City of Brooklyn, under the penalty of the forfeiture of all gunpowder on board, and an additional penalty of fifty dollars; provided, further, that in the case of any explosion caused by a larger quantity of gunpowder than allowed by law to be kept in any building or vessel whatever, contrary to the above section of this act, the occupant or occupants of any such building having the same in their possession, and

the owner and owners of any vessel as aforesaid, shall forfeit and pay the additional sum of one thousand dollars.

§ 19. Any and all persons who, after having been personally served with the notice of violation, as hereinbefore prescribed, shall fail to comply therewith, or shall continue to violate, or assent to or permit any violation of any of the provisions of the preceding five sections of this title, or who shall be accessory thereto, shall, in addition to the penalties hereinbefore provided, be deemed guilty of a misdemeanor, punishable by fine or imprisonment, or both; and upon a complaint made before any police justice or any court of criminal jurisdiction within the City of Brooklyn, shall be arrested and held to bail by said justice or said court; and upon conviction of such offence shall pay all costs of such arrest, and shall be fined in a sum not to exceed two hundred and fifty dollars, or may be imprisoned for a term not to exceed six months, or both, in the discretion of said justice or court; and all fines levied and collected under the provisions of the fifteenth, sixteenth, seventeenth and eighteenth sections of this title, shall be paid into the firemen's insurance fund.

§ 20. The amount of any judgment recovered against the City of Brooklyn, and payable by said city, and remaining unpaid, with the interest due and to become due thereon, shall be reported by the counsel to the corporation immediately after the same have become payable to the common council, and such amount shall be raised in the next levy of taxes for the expenses of the said city, unless execution upon such judgment shall be stayed. Such judgment shall be paid out of the first moneys paid into the city treasury on account of such levy, in the order of their recovery. Until the money so raised shall be paid into the treasury, and payment of said judgments refused by the financial officers of the city, no execution shall issue against the said city, unless the amount of such judgment shall not have been included in the tax levy, as aforesaid; provided, nevertheless, if there be any moneys in the treasury to the credit of the fund derived from the revenues of the city other than taxation, sufficient to

satisfy said judgments, the common council shall direct the payment therefrom of said judgments in the order of their recovery.

§ 21. The common council of said city, and the members thereof, are hereby declared to be trustees of the property, funds and effects of the corporation hereby created; and the aldermen representing the several aldermanic districts of the City of Brooklyn are hereby declared to be trustees of the property, funds and effects of the wards constituting their respective districts, so far as such property, funds and effects, in or derived from such wards, are or may be committed to their management or control respectively by this act; and every person residing in said city, or in any ward, and assessed to pay the taxes therein, who shall pay taxes therein, is hereby declared to be a cestui que trust, in respect to the said property, funds and effects respectively; and any co-trustee or any such cestui que trust shall be entitled, as against such trustees, and in regard to such property, funds and effects, to all the rights and remedies provided by law of any, co-trustee or cestui que trust to prosecute and maintain any action to prevent waste and injury to any property, funds, or estate held in trust. Such trustees are hereby made subject to all the duties and responsibilities imposed by law upon trustees, and such duties and responsibilities may be enforced by any co-trustees or cestui que trust aforesaid.

§ 22. All streets and avenues in said city which have been or may be thrown out to public use, and have been or may be used as such for five years continuously, shall be deemed and taken to be public streets and avenues; and the City of Brooklyn and the common council thereof shall have all jurisdiction and power in respect thereto, the same as if such streets and avenues had been or shall be opened by proceedings had for that purpose under the provisions of this act.

§ 23. No member or officer of the common council, or any city or ward officer, whether elected or appointed, shall take or receive any money, article, thing, advantage or promise thereof, as consideration for any vote or act in his official capacity, or for making and consenting in such capacity to

any award of any contract, or to any appointment, for office or place. Any person offending against the provisions of this section shall be deemed guilty of felony, and, upon conviction, shall be punished by imprisonment in the State prison for a term of not less than three, nor more than five years.

§ 24. It shall not be lawful hereafter to lay, construct or operate any railroad in, upon or along any or either of the streets or avenues of the City of Brooklyn, wherever such railroad may commence or end, unless a majority of the owners of property upon the streets or avenues in or along which such railroad is to be constructed, shall first petition the common council of said city therefor, nor unless the said common council shall authorize the construction of such railroad, and the grant therefor shall have been awarded and given to the person who will agree, with adequate security, to carry passengers on such railroad at the lowest rate of fare. But no such grant shall be awarded until after public notice, inviting proposals therefor at a specified time and place, shall have been published, under the direction of the common council, daily for six weeks in four of the public newspapers printed in said city. This section shall not be deemed to affect the operation of, or apply to, the Brooklyn City Railroad Company, the Brooklyn Central and Jamaica Railroad Company, the Broadway Railroad Company of the City of Brooklyn, the Brooklyn City and Newtown Railroad Company, the Coney Island and Brooklyn Railroad Company, the Grand Street Railroad Company, the South Side Railroad Company, and Bushwick Railroad Company, and such other companies as are or may be authorized by law; provided that no vote shall be given by or received from any person who shall not own a lot of land containing at least twenty feet in width, in front and rear in the said street or avenue.

§ 25. No bond of any officer, required to be given by this act, shall be discharged, until all property and money received by him shall have been accounted for, and until his accounts shall have been examined and approved by the

comptroller, auditor and chairman of the finance committee of the board of aldermen, whose duty it shall be to make such examination, and until their certificate of approval of said account shall be filed in the office of the comptroller.

§ 26. All persons at present holding office in the City of Brooklyn, whether elected or appointed, shall continue to hold their respective offices until the expiration of the time for which they were elected or appointed, except as otherwise provided in this act. The comptroller, auditor, treasurer, collector of taxes and assessments and registrar of arrears, may appoint, and at pleasure remove, a deputy for whose official acts and omissions he shall be personally responsible, and who shall have all the powers and discharge all the duties of such head during his absence.

§ 27. All the provisions of this act defining and regulating the rights, powers and duties of the legislative department, the mayor, the aldermen, the department of finance, the comptroller, the department of audit, the auditor, the treasurer's department, the treasurer, the department of collection, the collector of taxes and assessments, the department of law, the attorney and counsel, department of assessment, the president of the board of assessors and the assessors, the department of city works and the commissioner of city works, the department of police and excise, the commissioner of police and excise, the department of fire and the commissioner of the department of fire, the department of buildings, and the commissioner of said department shall apply to and regulate the rights, powers and duties of the mayor, aldermen, comptroller, auditor, treasurer, collector of taxes and assessments, attorney and counsel, president of the board of assessors and the assessors, the department and the commissioner of city works, the department of police and excise, the commissioner of excise, the department of fire and the commissioner of said department, the department of buildings, the commissioners of fire and of buildings, in office at the time of the passage of this act, or who may be hereafter appointed or elected in pursuance of any of the provisions of this act.

§ 28. The City of Brooklyn shall not be liable in damages for any misfeasance or nonfeasance of the common council, or any officer of the city or appointee of the common council, of any duty imposed upon them, or any or either of them by the provisions of this act, or of any other duty enjoined upon them, or any or either of them, as officers of government, by any provision of this act; but the remedy of the party or parties aggrieved for any such misfeasance or nonfeasance shall be by mandamus, or other proceeding of action, to compel the performance of the duty, or by other action against the members of the common council, officer, or appointee, as the rights of such party or parties may by law admit, if at all.

§ 29. The compensation of clerks and subordinates in the several departments shall not exceed in the aggregate the appropriation made by the board of estimate for the purpose. All* persons* holding position in the City of Brooklyn, receiving salary from said city who shall be an honorably discharged soldier or sailor of the late war of the rebellion shall not be removed from such position, except for good cause, shown after a hearing had, but such person or persons shall hold such position for and during good behavior.

(See Chap. 80, Laws of 1888.)

§ 30. No action or special proceedings shall be prosecuted or maintained against the City of Brooklyn, unless it shall appear by, and as an allegation in the complaint or necessary moving papers, that, at least, thirty days have elapsed since the claim or statement of the facts, which it is claimed constitute or will constitute a cause of action against the City of Brooklyn, shall be presented to the comptroller of said city, specifying in detail and duly verified as follows: If for work, labor or services rendered or performed, the time when, the place where, by whom, and under whose direction, and by what authority such work, labor or services was rendered or performed; if for merchandise or other articles furnished the items thereof, by whom ordered and when and to whom delivered; and if for damages, for wrong

*So in original.

or injury to person or property, or for damages for any tort whatsoever, when, where and how occasioned, and all the facts relative thereto, nor unless it shall appear by and as an allegation in said complaint or necessary moving papers that the said comptroller has neglected and refused to make any payment thereof for at least thirty days after said presentment. The comptroller may require, by a notice served, any person presenting for settlement any such account, claim or statement of the facts constituting a demand or claim against the city for damages for injury to person or property or for any tort whatsoever, to appear before him and bring any and all books, papers or other documents in his possession or under his control relating to such claim, account or statement of fact, to be sworn before him touching such account, claim or statement of fact as hereinbefore specified and required, and after being so sworn, to submit any such books, papers or other documents to said comptroller for examination and inspection by him, and to answer orally as to the facts relative to such account or claim upon contract, or for damages for tort, as herein specified and required. Willful false swearing before him is perjury, and punishable as such. Compliance with all the provisions of this section shall be an absolute prerequisite to the institution or maintenance of any action or special proceeding against the City of Brooklyn, and shall be pleaded in the complaint or necessary moving papers. The comptroller may, upon the recommendation of the attorney and counsel of the corporation, and with the approval of the mayor, adjust and settle any claim which may be presented to him in accordance with the provisions of this section, and any action which may be brought upon any such claim, either before or after judgment, upon such terms as may be of the best advantage to the city, and the amount at which such claim or judgment shall be settled and adjusted shall be paid from the revenue fund, provided that in no case shall such adjustment or settlement exceed the sum of twenty-five hundred dollars.

(Ch. 568, Laws of 1894.)

(See Ch. 31, Laws of 1890.)

§ 31. For the purpose of examining weights and measures in the City of Brooklyn, the mayor thereof shall, on or before the first day of February, eighteen hundred and eighty-nine, and every two years thereafter, appoint four sealers of weights and measures, one for each congressional district in the City of Brooklyn, at a salary of twelve hundred dollars a year, who shall perform such duties and possess such authority as is now possessed by the sealers of weights and measures throughout the State. The sealers of weights and measures for the City of Brooklyn shall receive no fees of any person for testing their weights or measures or scales. They shall qualify by taking the oath of office provided for other city officers of said city, and file the same in the office of the clerk of said city. All vacancies occurring from any cause shall be filled for the unexpired term by the mayor.

§ 32. The real property situate in the County of Kings, now owned or which may hereafter be owned by any hospital, orphan asylum, house of industry or other charitable corporation, society or institution, which has for its object the reformation of offenders, the care, support or education of the sick, the infirm, the destitute, the deaf, the dumb or the blind, shall be and hereby is declared discharged and exempt from all taxes and from all assessments laid or made for local improvements, and sales thereunder, and from all such assessments hereafter, and from taxation, so long as the same shall be owned by any such corporation, society or institution aforesaid, and whenever a sale and conveyance thereof shall be made to any person or corporation other than those mentioned in this act, thereupon the real estate so sold and conveyed shall be thereafter subject to assessment in the same manner as other real estate situate in the County of Kings. The rateable amount of any assessment which shall be laid or made hereafter for any local improvement which would have affected any real property exempted under this section, if such exemption had not been made, shall be a charge upon the City of Brooklyn and be paid out of the assessment fund of said city.

(Ch. 255, Laws 1889.)

§ 33. The several hospitals, orphan asylums and all other charitable and benevolent corporations, societies and institu-

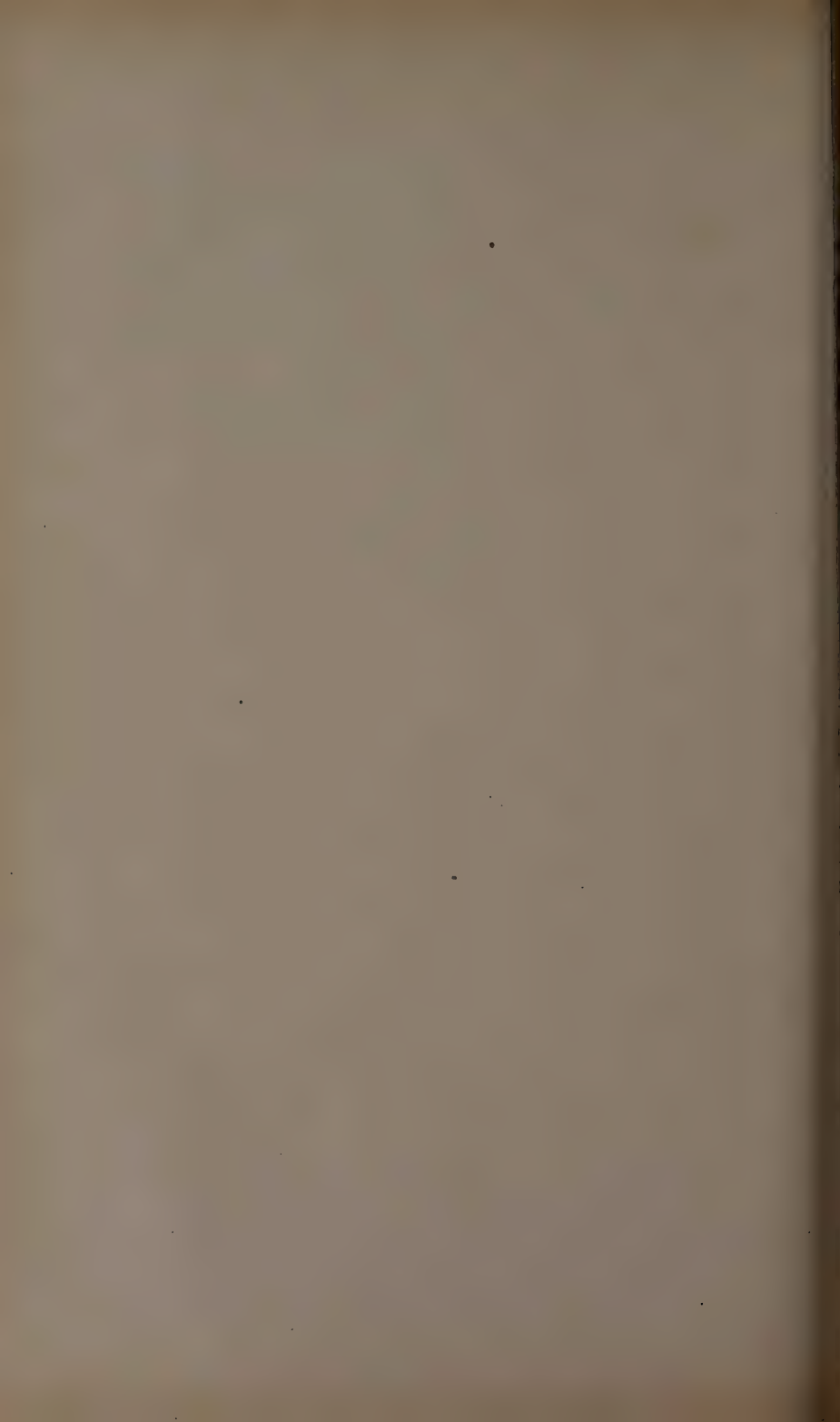
tions now existing in the City of Brooklyn, or which hereafter may be established therein, are hereby declared exempted from the payment of any sum of money whatever to said city, for the use of water taken by the same from said city, and water shall be supplied to the same by said city in sufficient quantity for all purposes for which it is now used by such societies and institutions, or which may become necessary to be used by the same, free from all charge whatsoever, and the real estate of any such institution aforesaid is hereby released, discharged and exempted from all lien and charge for water heretofore used and remaining unpaid for at the time of the passage of this act, or which may hereafter be used by any such institution, society or corporation.

§ 34. No street or avenue shall be extended on or over the ground now below or beyond high-water mark, between the northerly side of Twenty-sixth street and the southerly side of Thirty-ninth street, in the City of Brooklyn, by reason of any filling or other improvement hereafter made thereon, nor shall the said city be authorized to open or extend any street or avenue beyond said high water mark within the boundaries aforesaid without the consent of the adjacent owners.

§ 35. This act is hereby declared to be a public act, and all local and special acts passed prior to January first eighteen hundred and eighty-eight, relating to the corporation of "the City of Brooklyn," designated in section one of title one of this act or to the administration of the property or affairs of said corporation, except an act entitled "An act to provide for the payment of awards for land heretofore taken for local improvements in the City of Brooklyn," passed April tenth, eighteen hundred and eighty-three, and also an act entitled "An act to provide for the aid and support of the poor in the Counties of Erie, Kings and New York," passed April thirtieth, eighteen hundred and seventy-five, and the acts amendatory thereof, and also an act entitled "An act to provide for the use and to regulate the use of the docks and basin on the Wallabout bay and other docks in the City of Brooklyn, and to confer certain powers upon the comptroller and commissioner of police of said city," passed

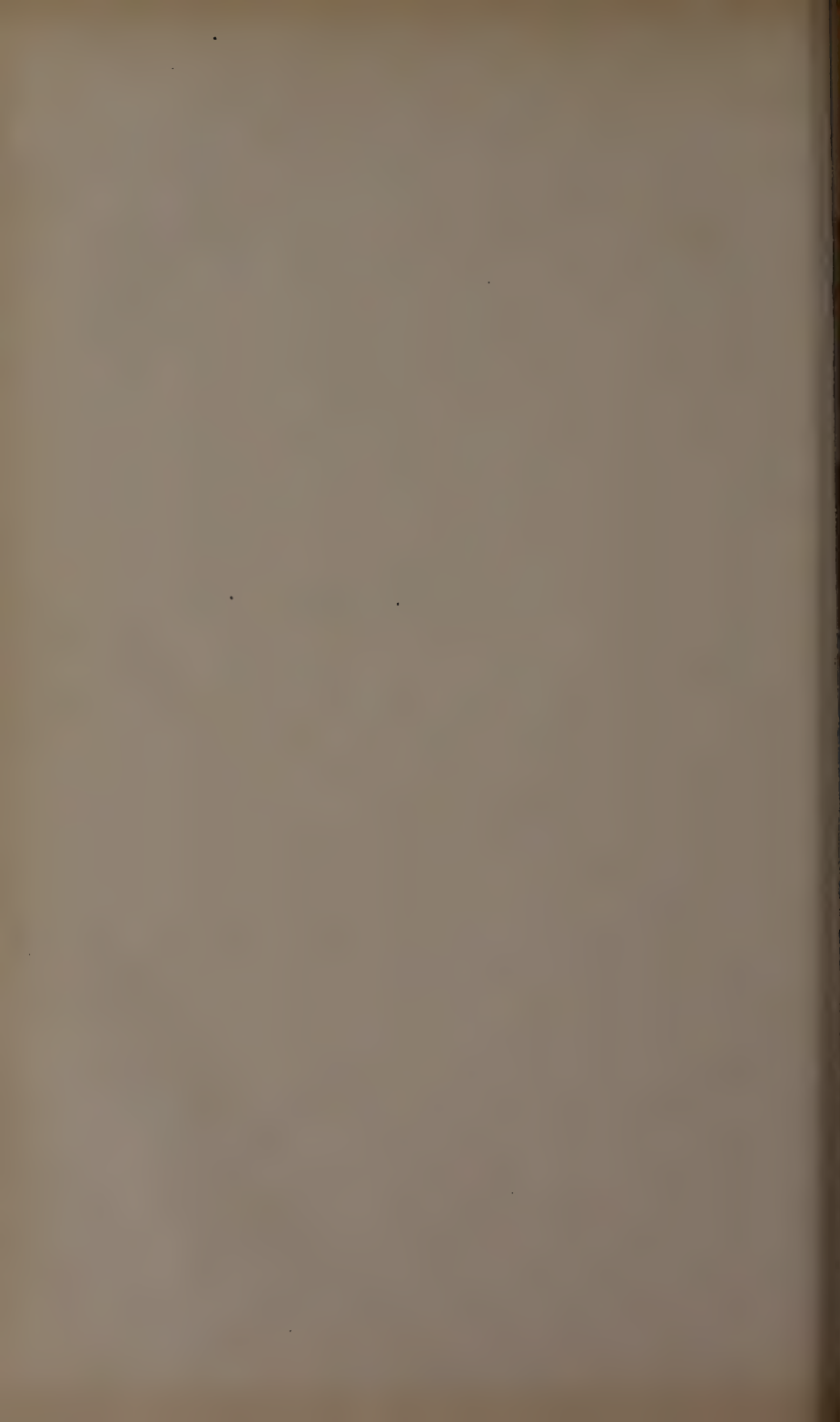
May thirteenth, eighteen hundred and eighty-six, and also an act entitled "An act to provide for the annexation to the City of Brooklyn of the town of New Lots, and for the acquisition and regulation of the water supply thereof," passed May thirteenth, eighteen hundred and eighty-six, are hereby repealed; provided, however, that nothing in this section contained shall abrogate, annul, impair, or in any manner affect the corporate powers, rights, privileges or franchises of the said "the City of Brooklyn," or any lien, contract, right, title or interest, heretofore acquired by said corporation or by any other person; and provided further that no action, suit or proceeding heretofore instituted to enforce any right, contract, interest, privilege, franchise, power or lien, or any proceeding taken in the exercise of any power heretofore vested in the City of Brooklyn or any of its officers, and which may be pending at the time of the passage of this act shall abate or be in any manner affected by the provisions of this section, but may be continued until a final determination thereof in the same manner and with the same effect as if this section had not been enacted. And provided further that nothing herein contained shall be so construed as to annul, abrogate, impair or in any manner affect any power, right or duty heretofore vested in the City of Brooklyn, or any officer, officers or department thereof, or the board of park commissioners in respect to the enforcement of any tax, water rate or assessment or installments thereof heretofore levied according to law. And provided further that nothing in this section contained shall be so construed as to modify or in any manner affect any general statute, or any statute relating to the New York and Brooklyn bridge, or the codes of civil or criminal procedure or the penal code, or to discharge or in any manner affect any penalty or liability, civil or criminal, incurred under any law of this State or under any ordinance of said City of Brooklyn in force at the time of the passage of this act. For the purpose of determining the effect of this act upon other acts that are, or may be enacted during the present year relating to the City of Brooklyn, or the powers or duties of any of its officers or agents, and the effect of such other

acts on this act, this act is to be construed as, and deemed to have been enacted on the second day of January, in the year eighteen hundred and eighty eight; and for the purpose of determining the effect of this act on the acts heretofore specially excepted by this section from its effect and the effect of said excepted acts on this act, this act is to be deemed and construed as though enacted before each of said excepted acts respectively.



APPENDIX

*Containing Amendments to Charter passed during
the Session of the Legislature for the
Year 1895.*



TITLE II.—Legislative Department.

SECTION 2. The City of Brooklyn is divided into seven aldermanic districts known as the first, second, third, fourth, fifth, sixth and seventh aldermanic districts respectively. The first aldermanic district consists of the first, second, third, fourth, fifth and sixth wards of the said City of Brooklyn. The second aldermanic district consists of the seventh, thirteenth, nineteenth, and twenty-first wards of the said City of Brooklyn. The third aldermanic district consists of the ninth, eleventh, twentieth and twenty-second wards of the said City of Brooklyn. The fourth aldermanic district consists of the eighth, tenth, twelfth, thirtieth and thirty-first wards of the said City of Brooklyn. The fifth aldermanic district consists of the twenty-third, twenty-fourth, twenty-fifth and twenty-ninth wards of the said City of Brooklyn, and of such territory of the County of Kings as may hereafter become a part of the said City of Brooklyn. The sixth aldermanic district consists of the fourteenth, fifteenth, sixteenth and seventeenth wards of the said City of Brooklyn. The seventh aldermanic district consists of the eighteenth, twenty-sixth, twenty-seventh and twenty-eighth wards of the said City of Brooklyn.

Chap. 197, Laws 1895.

Chap. 976, Laws 1895.

§ 3. The common council of the said City of Brooklyn consists of the board of aldermen now in office. At the general State election held in the year eighteen hundred and ninety-five, and every two years thereafter at the general election four aldermen shall be elected from each aldermanic district as hereinbefore described and constituted but no ward shall have more than one representative in said board, and the aldermen so elected, from time to time, shall constitute the common council. The said members of the common council shall be paid an annual salary as now fixed by law, and shall hold office for two years from the first day of January, at twelve o'clock noon, next succeeding to the elec-

tion. All vacancies which may occur in said common council by reason of the death, removal or resignation of a member, or otherwise, shall be filled for the unexpired term by election of the said common council, to be determined by a majority of all the member elected thereto.

Chap. 197, Laws 1895.

Chap. 976, Laws 1895.

§ 15. Suits may be prosecuted in the corporate name of the city against any person or persons who shall violate any provisions of any law, ordinances or regulations of the common council of said city, or who shall neglect or refuse to perform any act or duty thereby required of him or them ; and in every such action it shall be sufficient to state in the complaint, the by-laws, ordinance or regulation, and the section thereof, upon which such action is brought. In all suits for violation of any ordinance in the city, prosecuted in the justices' courts or police courts thereof, the summons shall be deemed to be served in time, if served three days before the return day thereof; and in case the defendant be absent from his residence or place of business, the summons may be served by leaving a copy of the same at either of such places, with a person of mature age in charge thereof; but no execution, except against property, shall be issued on any judgment in such suit, unless the summons was personally served on the defendant.

2. Proceedings for any violation of the ordinances of the city imposing a penalty, may be commenced by warrant for the arrest of the offender, as well as by summons, to be issued by any magistrate or court having jurisdiction in the case, before whom complaint shall be made, under oath, and every police justice and justice of the peace in said city shall have jurisdiction in all such cases. All proceedings so commenced shall be, upon proper proof, and may be conducted summarily before any such police justice or justice of the peace, and shall be continued and conducted in the same manner as criminal proceedings are now conducted in cases tried before such justices, or either of them, as a court of special sessions, including a jury trial, if demanded, in any case where a fine

exceeding ten dollars may be imposed, but no party charged with such offense shall have the right to waive an examination, or to elect to go before any higher court or tribunal. Such justice shall have authority to fine the person offending as aforesaid a sum equal to the penalty prescribed by the ordinances, and may sentence such persons, in default of payment, to be confined in the county jail for a period not exceeding ten days; and all laws relating to trial by courts of special sessions in the City of Brooklyn, not inconsistent herewith, shall apply to such trials. In the proceedings hereby authorized, the offense shall be deemed to be sufficiently described by stating the ordinance and sections thereof claimed to be violated.

Chap. 637, Laws of 1895.

§ 20. The board of estimate are hereby authorized, in their discretion, to include in their annual statements and estimates provided for by section eighteen of this title the whole or any part of the following specified sums of money for the respective purposes herein stated, namely: Four thousand dollars to be paid to the Brooklyn Hospital (formerly City Hospital); four thousand dollars to be paid to the Long Island College Hospital; four thousand dollars to be paid to the Brooklyn Homœopathic Hospital; fifteen hundred dollars to be paid to the Brooklyn Central Dispensary; fifteen hundred dollars to be paid to the Brooklyn City Dispensary; fifteen hundred dollars to be paid to the Brooklyn Eclectic Dispensary; fifteen hundred dollars to be paid to the Brooklyn Homœopathic Dispensary; five thousand dollars to be paid to the Brooklyn Eastern District Dispensary and Hospital (formerly the Williamsburgh Dispensary); fifteen hundred dollars to be paid to the Long Island College Dispensary; fifteen hundred dollars to be paid to the Gates Avenue Homœopathic Dispensary; four thousand dollars to be paid to the Brooklyn Nursery and Infants' Hospital; fifteen hundred dollars to be paid to the Brooklyn Eastern District Homœopathic Dispensary (formerly the Williamsburgh Homœopathic Dispensary); twenty-five hundred dollars to be paid to the Brooklyn Maternity (formerly Brooklyn Lying-in-Asylum); fifteen hundred dollars to be

paid to the Eye and Ear Hospital of the City of Brooklyn; one thousand dollars to be paid to the Southern Dispensary and Hospital; fifteen hundred dollars to be paid to the Orthopedic Dispensary; four thousand dollars to be paid to the Saint Peter's Hospital; fifteen hundred dollars to be paid to the Saint Peter's Dispensary; fifteen hundred dollars to be paid to the Atlantic Avenue Dispensary; one thousand dollars to be paid to the Saint Mary's Dispensary; two thousand dollars to be paid to the Brooklyn Diet Dispensary; fifteen hundred dollars to be paid to the Saint Catharine's Dispensary; four thousand dollars to be paid to the Saint Catharine's Hospital; one thousand dollars to be paid to the Helping Hand Society of Brooklyn; one thousand dollars to be paid to the Sheltering Arms Nursery of Brooklyn; four thousand dollars to be paid to the Brooklyn Home for Consumptives; four thousand dollars to be paid to the Memorial Hospital; four thousand dollars to be paid to the Saint Mary's General Hospital of the City of Brooklyn; fifteen hundred dollars to be paid to the Central Homœopathic Dispensary; fifteen hundred dollars to be paid to the Memorial Dispensary; fifteen hundred dollars to be paid to the Bushwick and East Brooklyn Dispensary; fifteen hundred dollars to be paid to the Dispensary of the College of Physicians and Surgeons of Saint Mary's Hospital of the City of Brooklyn; four thousand dollars to be paid to the Methodist Episcopal Hospital of the City of Brooklyn; two thousand dollars to be paid to the Saint Mary's Female Hospital; fifteen hundred dollars to be paid to the Lutheran Hospital Association of the City of New York and vicinity; four thousand dollars to be paid to the Brooklyn Throat Hospital; fifteen hundred dollars to be paid to the Bedford Dispensary; two thousand dollars to be paid to the Saint Martha's Sanitarium and Dispensary; three thousand dollars to be paid to the Central Throat Hospital and Polyclinic Dispensary; two thousand dollars to be paid to the Long Island Throat and Lung Hospital and Peoples' Dispensary Association; four thousand dollars to be paid to the Norwegian Lutheran Deaconesses' Home and Hospital; two thousand dollars to be paid to the Brooklyn

Home for Aged Colored People; three thousand dollars to be paid to the Saint Mary's Maternity and Infants Home; two thousand dollars to be paid to the Memorial Training School for Nurses; four thousand dollars to be paid to the Church Charity Foundation of Long Island for its hospital; twenty-five hundred dollars to be paid to the Home of Saint Giles the Cripple; three thousand dollars to be paid to the Bushwick Hospital; four thousand dollars to be paid to the Society for the Prevention of Cruelty to Children; two thousand dollars to be paid to the Brooklyn Training School and Home for Young Girls; fifteen hundred dollars to be paid to the Dispensary of the Methodist Episcopal Hospital; twenty-five hundred dollars to be paid to the Low Maternity; fifteen hundred dollars to be paid to the Brooklyn Hospital Dispensary; two thousand dollars to be paid to the Society for the Aid of Friendless Women and Children; two thousand dollars to be paid to the Stone Maternity of Brooklyn; such several sums of money to be paid to the several institutions in consideration of their contracting to render and rendering medical and surgical aid and treatment to the poor of the City of Brooklyn who may apply to them therefor; such contract to be in writing, executed on behalf of the city by the said mayor and comptroller, and also by the executive officers of said associations, respectively, and to be approved by the counsel to the corporation of said city, and to be filed annually on or before the thirty-first day of May in the office of the clerk of said city.

Chap. 655, Laws of 1895.

Memorial day celebration.

Chap. 538, Laws of 1895.

Twenty-ninth ward deficiencies.

Chap. 541, Laws of 1895.

§ 28. The common council shall, during the month of January, eighteen hundred and ninety-six, and every two years thereafter, appoint a keeper and an assistant keeper of the city hall, who shall take office on the first day of February, next succeeding their appointment, and shall hold office for the term of two years and until their successors shall be appointed. The salary of said office shall be fixed by the board

of estimate of said city at its annual meeting in the year eighteen hundred and ninety-five, and may be changed at any annual meeting of said board of estimate immediately prior to the beginning of a new term of said office. The terms of office of the present keeper and assistant keeper of the city hall shall terminate on the first day of February, eighteen hundred and ninety-six.

Chap. 683, Laws of 1895.

§ 17. This section was repealed by Chaptee 49 of the Laws of 1888, as amended by Chapter 87 of the Laws of 1890, and this act was further amended in 1895, as follows:

§ 18. The common council shall designate five daily newspapers published in the City of Brooklyn (one of which shall be printed and published in the eastern district of said city, and one of which shall be published in the German language), having the largest actual average daily circulation therein, in which shall be published all the ordinances, resolutions, notices, tax and assessment sales, and all other proceedings which by this act shall be required to be published affecting said city, provided that the aggregate expenditures for publication in such five newspapers shall be one hundred thousand dollars per annum, of which sum each paper shall receive an equal part, exclusive of tax and assessment sales; and further provided that such papers as have been heretofore designated as corporation newspapers, shall continue to act as such until the common council shall, by a three-fourths vote of all the members elect, designate others in place of them. And be it further provided that hereafter no newspaper shall be designated as a corporation newspaper that has not been published as a daily paper in said City of Brooklyn for at least two years before being so designated.

Chap. 359, Laws 1895.

TITLE III.—City Officers.

SECTION 11. No person shall be eligible to the office of mayor unless he has resided in the city at least five years, and has attained the age of twenty-five years. His salary shall be six thousand dollars per annum. He shall, by virtue

of his office, be a supervisor of the County of Kings, and shall possess all the jurisdiction and exercise all the powers and authority in criminal cases, of a justice of the peace of said city, in addition to the powers heretofore given him by this act, but shall receive no fees for his services as such justice of the peace, or for his services as supervisor.

It shall be his duty :

1. To communicate to the common council, at their first meeting in the month of January, each year, and oftener if he shall deem it expedient, a general statement of the condition of the city in relation to its government, finances and improvements, with such recommendations as he may deem proper.

2. To be vigilant and active in causing the laws and ordinances of the city to be duly executed and enforced, to exercise a constant supervision over the conduct and acts of all officers, to examine into all complaints preferred against them for a violation or neglect of duty, and generally to perform all such duties as may be required of him by law ; for which purpose he shall have and possess all the authority and power in criminal cases, to arrest and commit for examination all offenders for offences committed within said city against the laws of this State, of a police magistrate or justice of the peace of any of the towns of this State, and for the preservation of the peace. And shall have the power and authority to issue warrants against any and all persons violating any of the ordinances, by-laws or regulations of the common council, or to direct the proper officers to arrest such persons, and summarily to hear, try and determine and dispose of the same, where the penalty imposed by said ordinance, by-law or regulation shall not exceed ten dollars. And in case the penalty imposed by said ordinance, by-law or regulation shall not be paid forthwith, upon such person being adjudged guilty, then the said mayor shall have power, by warrant under his hand and seal, to commit the said offender to the county jail of Kings County for a term not exceeding thirty days, or until the fine is paid ; and in cases where the penalty shall exceed ten dollars, the said mayor may, after examination, hold the parties to bail. And in all

cases where such person shall hold a license or warrant, granted by the common council, or any of the officers thereof, it shall be lawful for the said mayor to suspend said license or warrant, or the person so found guilty, from the benefits and privileges of said license or warrant until the common council shall pass upon the same. And it shall be the duty of the mayor to report the fact of such suspension, together with his reason therefor, to the board of aldermen at the next meeting thereof. And no person so suspended shall be entitled to any benefits, privileges or rights under such license or warrants until the suspension shall be removed by the common council. He shall, jointly with the comptroller, sign all warrants, bonds, and other obligations of the corporation. But he shall not sign any warrant or other obligation unless a proper voucher therefor shall have been first examined and certified to by him; and he shall sign no bonds for any loan unless the receipt of the treasurer for the money loaned shall have been first seen and indorsed by him. *Provided, however, that he may designate in writing, some suitable person employed in the office of said mayor, to sign in his stead all salary warrants to whatever amount and all other warrants not exceeding in amount two hundred and fifty dollars; and may, from time to time, revoke or change such designation. He shall file a copy of such designation or revocation in the office of the comptroller, and a copy thereof in the office of the city treasurer.*

Chap. 476, Laws of 1895.

TITLE IV.—Finance.

SECTION 4. All stocks, bonds, certificates and other obligations of the City of Brooklyn hereafter issued under the authority of this act or any other act, whether general or special, shall be disposed of by the mayor and comptroller, and shall bear interest at such rate, not exceeding four per centum per annum, as the said mayor and comptroller shall in their discretion fix and determine, except that certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes may bear such rate of interest, not exceed-

ing six per centum per annum, as the said mayor and comptroller shall determine ; and all bonds hereafter to be issued by the City of Brooklyn, by virtue of this act, or of any other act, whether general or special, shall be free and exempt from all taxation except for State purposes. All stock of the City of Brooklyn hereafter issued in pursuance of laws already passed, or which may be hereafter passed, authorizing the issue of stock or bonds of the City of Brooklyn shall, unless such laws otherwise provide, be known as "consolidated stock of the City of Brooklyn," and be issued under the authority of this title, as well as of the authority of said laws. The consolidated city stock so authorized to be issued shall be either registered or coupon stock, in sums of not less than five hundred dollars each share, conditioned to be paid in gold coin or in the legal currency of the United States, at the option of the said comptroller, and shall be made redeemable at a period not less than twenty years and not more than fifty years from the date of issue thereof. The coupon consolidated city stock may be converted into registered stock at any time at the option of the holder thereof, and the said comptroller is hereby authorized to issue registered or consolidated city stock therefor in manner and form as hereinbefore provided, and such registered stock shall be transferable at the option of the holder at any time, under such rules and regulations as the said comptroller shall prescribe. To provide for the payment of all bonds and stocks of said city hereafter issued pursuant to the provisions of any statute authorizing the same, but which, by the provisions of such statute, are payable from taxation other than revenue bonds issued in anticipation of the collection of taxes, there shall be included by the board of estimate in the annual estimate each year of the amount required to be raised by law for all city and county purposes for the fiscal year next succeeding such proportionate sum as shall be certified to the said board by the comptroller as sufficient, with the accumulations of interest thereon, to meet and discharge the amount of said bonds and stocks by the time the same shall be payable, which sum shall be placed in the tax levy each year, and shall be paid annually in the month of January to the commis-

sioners of the sinking fund, to be invested by them in the same manner as is provided that the revenue pledged to the sinking fund for the redemption of the city debt may be invested. The comptroller shall keep careful accounts in his office of all stocks, bonds, certificates and other obligations of the City of Brooklyn, and shall prescribe the form of such obligations and sign the same jointly with the mayor, but no stocks, certificates or bonds or other obligations shall be delivered by them for any loan to the corporation until the amount has been actually deposited in the city treasury, and the receipt for the money is produced and filed in the comptroller's office.

Chap. 648, Laws of 1895.

See Chap. 340, Laws of 1895.

Sec. 11. The sinking fund shall comprise all moneys heretofore or hereafter raised by tax or received from other sources for the payment of the principal or interest of city loans, together with the interest accruing from the investment of such money by the commissioners of the sinking fund; also all payments made for investments, interest on the city loans and for redemptions of the principal thereof. The accounts of this fund shall at all times exhibit the description and amounts of securities and investments belonging to it; also the amount of unemployed money on hand, and the names of the institutions in which the same are deposited. Any excess there may be in said fund, after providing for the payment of the bonds and stocks of said city, and the interest thereon payable therefrom, as provided by law, shall form a fund for the payment of other bonds and stocks of said city, as by this statute provided. All moneys and revenues of said city heretofore pledged and appropriated to and constituting and founding said sinking fund, or that may hereafter be provided therefor, shall continue to be and the same are hereby pledged and appropriated to said fund until all of said bonds and stocks of the said city shall be fully and finally redeemed. Nothing in this title contained shall be held to require or authorize the commissioners of the sinking fund to use or apply any part or portion of the accumulations in said sinking fund for the redemption of the

city debt or the revenues of said fund in any manner whatever whereby the security of said fund for the payment of the bonds and stocks of said city, for which said fund is now pledged by law, and which are a charge on said fund, shall be alienated or impaired, and the said bonds and stocks are hereby declared to constitute a preferred charge on said sinking fund until the same are fully and finally paid and redeemed.

Chap. 648, Laws of 1895.

§ 16. The moneys and securities of the sinking fund shall be under the control and management of three commissioners, consisting of the mayor, comptroller and auditor, who shall be known as the commissioners of the sinking fund. The comptroller shall have the custody of all securities, books and papers belonging to said commissioners or appertaining to said fund. All bonds and other securities belonging to the sinking fund shall be indorsed by the comptroller as follows: "The property of the sinking fund of the City of Brooklyn, transferable from said fund only by written order of the mayor, comptroller and auditor, the commissioners of said fund." Any transfer, without such order, of any bond so indorsed shall be null and void. The commissioners of the sinking fund are hereby authorized and empowered to call in, pay and redeem any portion of the bonded debt now a charge upon the treasury of the said city, other than revenue bonds issued in anticipation of the collection of taxes, when they may deem it to be advantageous for the interest of the city so to do, and for this purpose the said commissioners of the sinking fund are hereby empowered to authorize by a concurrent vote and direct the comptroller to issue and sell or exchange therefor at not less than par "consolidated stock" of said city, payable within a period of not less than twenty nor more than fifty years from the date of issue thereof; and upon the payment and redemption of any portion of said bonded debt the certificate thereof shall be cancelled by said commissioners. The "consolidated stock" of said city, issued as by this section authorized, after fully providing for the preferred bonds and stocks of said city, as specified in section eleven of this title, shall form a charge

upon the said sinking fund for the redemption of the city debt, and any part of said bonded debt falling due not exchanged for or redeemed from the proceeds of consolidated stock, as herein provided, may be paid from said sinking fund for the redemption of the city debt, provided such payment shall not in any way impair the preferred claims thereon, as in section eleven of this title specified; and provided, also, the commissioners of the sinking fund shall deem it for the best interests of the city that such payment should be made. From the said sinking fund for the redemption of the city debt and the interest thereon shall be paid and redeemed all preferred bonds and stocks of said city for the payment or redemption of which said fund is pledged, as aforesaid, and other bonds and stocks of said city, as by this title authorized.

Chap. 648, Laws of 1895.

§ 18. The said commissioners shall, from time to time, invest the money of said fund in any stock for the payment of which the faith of this State or the United States is or shall be pledged, or in any of the bonds or securities issued by said city or the County of Kings, and shall deposit said moneys with any safe moneyed corporation in this State, and make such contracts with such institution for the duration of such deposits and the interest thereon as they shall consider for the best interest of such fund, and may also at such times and upon such terms, as they may deem advisable, pay any part of the moneys borrowed or raised, for the final payment of which the faith and property of the city is pledged in pursuance of law. And it shall be the duty of the sinking fund commissioners, on or before the fifteenth day of May in each year, to certify to the board of estimate such amounts of money as must, under the law, be inserted in the ensuing annual estimate of said board and raised by taxation to meet the annual interest upon, or the principal of, any bonds or obligations issued by the said City of Brooklyn.

Chap. 648, Laws of 1895.

TITLE VII.—Collection.

SECTION 6. The supervisors of the County of Kings shall cause the corrected assessment rolls of the several wards, or fair copies thereof, with warrants for collection, to be delivered to the collector on or before the fifteenth day of November in each year, and shall also deliver to the comptroller a copy of such rolls: and the common council shall cause every assessment roll made for any improvement in said city, or a fair copy thereof, with a warrant for collection, to be delivered to said collector within ten days after the same shall be finally confirmed, and also deliver to the comptroller a copy of such roll. But no warrant for the collection of any assessment shall be issued by the common council until all the proceedings had in laying said assessment shall have been examined and certified as correct by the commissioner of city works and the corporation counsel, which certificate shall be indorsed upon or annexed to the assessment roll, and shall be presumptive evidence of the regularity of the proceedings. The collection of taxes shall be commenced on the fifteenth day of December in each year.

Chap. 888, Laws of 1895.

§ 10. On all taxes and assessments which shall be paid to the collector before the expiration of thirty days from the time the same shall become due and payable, an allowance shall be made to the person or persons making such payments, at the rate of seven and three-tenths per centum per annum for the unexpired portion thereof, and the amount of such allowance shall be credited to the account of the collector and charged to the account of the revenue fund. On all taxes, assessments and water rates paid after the expiration of thirty days from the time the same shall have become due and payable, there shall be added to and collected as part of every such tax, assessment or water rate, interest at the rate of nine per centum per annum, to be computed from the time the same became due and payable to the date of said payment.

Chap. 888, Laws of 1895.

TITLE X.—Assessment.

SECTION 3. The said assessors shall make out the assessment lists and rolls for local improvements and taxes, and perform such other duties as may be required of them under the direction of the president. Said board of assessors shall have power, and it shall be their duty, to make all assessments for taxes and local improvements except for sewers, in the City of Brooklyn in the manner by this act or other laws provided, and all provisions of law now applicable to the assessors of Brooklyn, or towns in this State, in relation to assessments for taxes in said city, are hereby declared to apply to the assessors to be appointed under this act. The ward maps made, or to be made, shall continue to be in the custody of said board of assessors, and all assessments shall refer to said maps, except in cases where they do not exist; and where a portion of any lot of land laid down on said maps shall be taken for any improvement, the residue shall be deemed liable to be assessed for such improvement; and land occupied by a person other than the reputed owner may be assessed in the name of the occupant. Where two or more lots shown upon said maps are improved as one parcel, they may be assessed together. No tax, assessment or water rate, and no amount by way of tax, assessment and water rate, heretofore levied or fixed, adjusted, determined and certified with reference to any property situated within the City of Brooklyn, and no pending proceeding for the sale or pending sale or notice of the sale of any such property for the non-payment of any such tax, assessment, water rate or amount, shall be held or declared to be invalid or ineffectual by reason of the fact that two or more lots shown on said maps, whether vacant or improved, have been valued or assessed as one parcel, or by reason of the fact that such tax, assessment, water rate or amount has been levied or fixed, adjusted, determined and certified upon two or more such lots tied together as one parcel, but all such taxes, assess-

ments, water rates and amounts so levied or fixed, adjusted, determined and certified, and all such pending proceedings are hereby ratified, made valid and effectual in the law.

Chap. 1015, Laws of 1895.

(See Sec. 2, Chap. 1015, Laws of 1895).

TITLE XI.—Police and Excise.

SECTION 6. The commissioner of police and excise of the City of Brooklyn is hereby authorized, by and with the consent and approval of a majority of the board of estimate of said city and county of Kings, to fix the salary of the superintendent of police of said city at an amount not less than four thousand dollars nor more than five thousand dollars per annum, and fix the salaries of the inspectors of police of said city at an amount not less than two thousand five hundred nor more than three thousand five hundred dollars per annum, and fix the salaries of the captains of police of said city at an amount not less than two thousand nor more than two thousand seven hundred and fifty dollars. Also to fix the salaries of sergeants of police of said city at an amount not less than fifteen hundred dollars nor more than two thousand dollars per annum; also to fix the salaries of all detectives attached to the police department of said city at an amount not less than fifteen hundred dollars nor more than two thousand dollars per annum, and said detectives shall be known under and by the name of detective sergeants, and shall rank the same as all other sergeants of police, and shall be eligible for promotion in the entire police force in said city, under the same rules and conditions applicable to the promotion of all other sergeants of police in said city; also to fix the salaries of the roundsmen of said city at an amount not less than eleven hundred nor more than twelve hundred dollars per annum.

Chap. 996, Laws of 1895.

TITLE XIV.—Buildings.

SECTION 1. The head of the department of buildings shall be the commissioner of buildings: he shall be a practical mason, carpenter or architect of at least ten years' experience; he shall have sole and exclusive control and management of all matters relating to the regulation and supervision of the erection, alteration, repair, demolition and removal of all buildings within the City of Brooklyn, and is charged with the execution of the provisions of this act relating to buildings, as hereinafter provided. He shall appoint such inspectors, clerks, experts and such other subordinates as in his judgment may be necessary to carry out and enforce the provisions of this act, and fix their salaries: the inspectors of buildings shall be practical architects, civil engineers, masons or carpenters of at least ten years' experience: the inspectors of elevators shall be practical machinists; the experts shall be practical builders, architects or engineers, and competent to pass on all plans and questions relating to buildings of any kind. The commissioner shall have full power to revoke and cancel any permit or certificate of approval granted by him in case the person or persons to whom the same is issued fails or neglects to comply with any of the provisions of this title, or of any law or ordinance relating to buildings in the City of Brooklyn.

Chap. 292, Laws of 1895.

§ 6. In buildings, where the space under the sidewalk is utilized, a sufficient stone or brick wall shall be built to retain the roadway of the street, and the side, end or party walls of such buildings shall extend under the sidewalk, of sufficient thickness, to such walls. The roofs of all vaults shall be of incombustible material. If formed of brick or concrete arches, such arches must have at least one inch rise for every foot of span. Openings in the roofs of vaults for the admission of coal or light shall be covered, with lights of glass in iron frames, or with iron covers having a rough surface, and rabbeted flush with the sidewalk; these lights shall

not be more than four inches square. When areas are covered, iron, or iron and glass combined, stone or other incombustible materials shall be used, and sufficient strength in such covering shall be provided to insure safety to persons walking on the same, and to carry the loads which may be placed thereon. Open areas shall be properly protected with suitable railings. All areas more than eight feet in depth below curb level must be covered.

Chap. 292, Laws of 1895.

§ 7. The party walls of dwelling houses not over twenty feet in width and forty-five feet in depth and thirty-five feet in height, if built of brick, may be eight inches in thickness, but no eight-inch bearing wall shall be built below curb level, and no front, side or rear wall shall be less than twelve inches in thickness. All buildings shall have front, rear and side walls. The walls of all dwelling houses, whether called tenement houses, apartment houses, flats, hotels, or other buildings, which are to be used for residence purposes, twenty-six feet or less in width between bearing walls, and also the walls of school houses, which are hereafter erected, or which may be altered to be used as herein specified, over thirty-five feet in height, and not over fifty feet in height, shall not be less than twelve inches thick above the foundation wall. No wall shall be built having a twelve inch thick portion measuring vertically more than fifty feet, except non-bearing partition walls, sufficiently supported by cross walls, in which case the twelve inch thick portion may be built sixty feet above curb level. If over fifty feet in height, and not over sixty feet in height, the walls shall not be less than twelve inches thick above the level of the second tier of beams, and not less than sixteen inches thick in the first story. If over sixty feet in height, and not over seventy-five feet in height, the walls shall not be less than sixteen inches thick to the height of twenty-five feet, or to the nearest tier of beams to that height, and from thence not less than twelve inches thick to the top. If over seventy-five feet in height, and not over eighty-five feet in height, the walls shall not be less than twenty inches thick to the height of twenty feet, or to the nearest tier of beams to that height, thence

not less than sixteen inches thick to the height of sixty feet, or to the nearest tier of beams to that height, and from thence not less than twelve inches thick to the top. If over eighty-five feet in height, and not over one hundred feet in height, the walls shall not be less than twenty-four inches thick to the height of thirty-five feet, or to the nearest tier of beams to that height, thence not less than twenty inches thick to the height of seventy-five feet, or to the nearest tier of beams to that height, and from thence not less than sixteen inches thick to the top. If over one hundred feet in height, and not over one hundred and fifteen feet in height, the walls shall not be less than twenty-eight inches thick to the height of twenty-five feet, or to the nearest tier of beams to that height, thence not less than twenty-four inches thick to the height of fifty feet, or to the nearest tier of beams to that height, thence not less than twenty inches thick to the height of ninety feet, or to the nearest tier of beams to that height, and from thence not less than sixteen inches thick to the top. If over one hundred and fifteen feet in height, each additional twenty-five feet in height or part thereof, next above the curb, shall be increased four inches in thickness, the upper one hundred and fifteen feet of wall remaining the same as specified for a wall of that height. All dwelling houses erected under this section exceeding twenty-six feet in width must have brick partition walls. All non-bearing walls of buildings, hereinbefore in this section specified, may be four inches less in thickness; provided, however, that none are less than twelve inches thick, except as hereinafter specified. Eight inch brick partition walls may be built to support the beams in such buildings in which the distance between the bearing walls is not over thirty-three feet, provided that no clear span is over twenty-six feet; but no such partition wall shall be built having an eight inch thick portion measuring vertically more than fifty feet. This clause shall not be construed to prevent the use of iron or steel girders, or iron or steel girders and columns, or piers of masonry, for the support of the walls and ceilings over any room which has a clear span of more than twenty-six feet between walls, in such buildings as are not fireproof, nor to

prevent the use of iron or steel girders and columns instead of brick partition walls, in fireproof buildings, for residences, constructed pursuant to the provisions of section fifteen. If the clear span is to be over twenty-six feet, then the bearing walls shall be increased four inches in thickness for every twelve and one-half feet, or part thereof, that said span is over twenty-six feet, or shall have instead of the increased thickness such piers or buttresses as in the judgment of the commissioner of buildings may be necessary.

Chap. 292, Laws of 1895.

§ 10. In all walls the same amount of materials may be used in piers or buttresses. Curtain walls may be made four inches less in thickness than is specified, respectively, for walls of dwellings and buildings other than dwellings, but no curtain walls shall be less than twelve inches thick. If any horizontal section through any part of any bearing wall in any building shows more than twenty-five per centum area of flues and openings, the said wall shall be increased four inches in thickness for every ten per centum, or fraction thereof, of flue or opening area in excess of twenty-five per centum. Every pier built of brick containing less than nine superficial feet at the base, supporting any beams, girders, arch or column on which a wall rests, or lintel spanning an opening over ten feet, and supporting a wall, shall, at intervals of not over thirty-six inches apart in height, have built into it a bold stone not less than four inches thick, or a cast-iron plate of sufficient strength and the full size of the piers. All piers shall be built of stone or good, hard, well-burnt brick, laid in cement mortar. For piers fronting on the street the bond stones may conform with the kind of stone used for the trimmings of the front. Isolated brick piers shall not exceed in height eight times their least dimensions. Cap stones of cut granite or blue stone, at least twelve inches thick by the full size of the pier, shall be set under all columns and girders. Stone posts for the support of posts or columns above shall not be used in the interior of any building. Where walls or piers are built of coursed stones with dressed level beds and vertical joints, the commissioner of buildings shall have the right to allow such walls or piers to

be built of a less thickness than specified for brickwork, but in no case shall said walls or piers be less than three-quarters of the thickness provided for the brickwork. All bearing walls faced with brick laid in running bond shall be four inches thicker than the walls are required to be under any section of this title. In all brick walls every sixth course shall be a heading course, except where walls are faced with brick in running bond, in which latter case every sixth course shall be bonded into the backing by cutting the course of the face brick, and putting in diagonal headers behind the same, or by splitting the face brick in half and backing the same with a continuous row headers. All stone used for the facing of any building and known as ashlar, shall not be less than four inches thick. Stone ashlar shall be anchored to the backing, and the backing shall be of such thickness as to make the walls independent of the ashlar, conform as to the thickness with the requirements of this title relating to thickness of walls. Iron ashlar plates used in imitation of stone ashlar on the face of the wall shall be backed up with the same thickness of brickwork as stone ashlar. Walls heretofore built for or used as party walls, whose thickness at the time of their erection was in accordance with the requirements of the then existing laws, but which are not in accordance with the requirements of this title, may be used, if in good condition, for the ordinary uses of party walls, provided the height of the same be not increased. In case it is desired to increase the height of existing party or independent walls, which walls are less in thickness than required under this title, the same shall be done by a lining of brickwork to form a combined thickness with the old walls of not less than four inches more than the thickness required for a new wall corresponding with the total height of the wall when so increased in height. The said lining shall be supported on proper foundations and carried up to such heights as the commissioner of buildings may require. No lining shall be less than eight inches in thickness, and all linings shall be laid up in cement mortar and thoroughly anchored to the old brick walls with suitable wrought-iron anchors, placed two feet apart and properly fastened or driven into the old walls

in rows alternating vertically and horizontally with each other, the old walls being first cleaned of plaster or other coatings where any lining is to be built against the same. In no case shall any wall or walls of any buildings be carried up more than two stories in advance of any other wall, except by permission of the commissioner of buildings. The front, rear, side and party walls shall be properly bonded together or anchored to each other every four feet in their height by wrought-iron tie anchors not less than one and one-half inches by three eights of an inch in size. The anchors shall be built into the side or party-wall not less than sixteen inches, and into the front and rear walls, so as to secure the front and rear walls to the side or party walls when not built and bonded together. All piers shall be anchored to beams on the level of each tier. The walls and beams of every building, during the erection or alteration thereof, shall be strongly braced from the beams of every story, and when required shall also be braced from the outside until the building is inclosed. The roof tier of wooden beams shall be safely anchored with plank or joists to the beams of the story below until the building is inclosed.

Chap. 292, Laws of 1895.

§ 13. The height of all the walls shall be measured from the curb level at the center of the building to the top of the highest point of the roof beams in the case of flat roofs, and for high pitched roofs the average of the height of the gable shall be taken as the highest point of the wall. In case the wall is carried on iron girders, or iron girders and columns or piers of masonry, the measurement as to height may be taken from the top of such girder. When the walls of a structure do not join the street, then the average level for the ground adjoining the walls may be taken instead of the curb level for the height of such structure. The width of buildings for the purpose of this title may be determined by the way the beams are placed. The lengthwise of the beams may be considered and taken to be the widthwise of the building, and the bearing walls are those walls on which the beams or trusses rest. Eight inch brick and six inch and four inch hollow tile partition walls of hard burnt clay or

porous terra cotta may be built not exceeding in their vertical portions a measurement of fifty, thirty-six and twenty feet, respectively, and in their horizontal measurement a length not exceeding seventy-five feet, unless strengthened by proper cross-walls, piers or buttresses. All such walls are to be carried on proper foundations or on iron girders, or iron girders and columns, or piers of masonry. One line of fore and aft partitions in the cellar, supporting partitions above in all buildings exceeding twenty feet in width, hereafter erected, shall be constructed of brick not less than eight inches thick; or piers of brick with openings arched over below the under side of the first tier of beams; or girders of iron or steel and iron or steel columns; or piers of masonry may be used; or if iron or steel floor beams spanning the distance between bearing walls are used of adequate strength to support the stud partitions above, in addition to the floor load, to be sustained by the said iron or steel beams, then the fore and aft brick partition of its equivalent may be omitted. Fore and aft stud partitions, and such other main stud partitions as may be required by the commissioner of buildings, which may be placed in the cellar or lowest story of any building, shall have good, solid stone or brick foundation walls under the same, which shall be built up to the top of the floor beams or sleepers, and the sills of said partitions shall be of locust, or other suitable hard wood, but if the walls are built five inches higher of brick than the top of the floor beams or sleepers, any wooden sill may be used on which the studs shall be set. Fore and aft stud partitions that rest directly over each other shall run between the wooden floor beams and rest on the plate of the partition below, and shall have the studding filled in solid between the uprights to the depth of the floor beams with suitable incombustible materials. All girders supporting the first tier of wooden beams in buildings shall be supported by brick piers or iron, locust or other suitable hard wood posts of sufficient strength on proper foundations.

Chap. 292, Laws of 1895.

§ 22. If a mansard or other roof of like character be placed on any building, except a wooden building, or a dwelling-

house not exceeding thirty-five feet in height, it shall be constructed of iron rafters and lathed with iron on the inside and plastered, or filled in with fireproof material not less than three inches thick, and covered with metal or tile. All exterior cornices, inclusive of those on show windows and gutters of all buildings, shall be of some fire-proof material and be well secured to the walls with iron anchors, independent of any woodwork. In all cases the walls shall be carried up to the planking of the roof. Where the cornice projects above the roof the walls shall be carried up to the top of the cornice. The party walls shall in all cases extend up above the planking of the cornice and be coped. All exterior wooden cornices on other than frame buildings, that may now be or that may hereafter become unsafe or rotten, shall be taken down, and if replaced shall be constructed of some fire-proof material. Bulkheads used as inclosures for tanks and elevators and coverings for the machinery of elevators, and all other bulkheads hereafter erected or altered, may be constructed of hollow fire-proof blocks, or of wood covered with not less than two inches of fire-proof material, or filled in the thickness of the studing with such materials, covered on all sides with metal, including sides and edges of doors. Covers on top of water tanks placed on roofs may be of wood covered with tin. Staircase bulkheads of dwelling houses shall be covered with tin on all sides. Roof tanks and other structures of a like character shall be supported on iron beams, resting on bearing walls, and not located directly over any hall or stairway.

Chap. 292, Laws of 1895.

§ 23. The planking and sheathing of the roof of every building erected or built as aforesaid shall in no case be extended across the side, end or party wall thereof. Every such building and the tops and sides of every dormer window thereon shall be covered and roofed with slate, tin, copper or iron, or such other quality of fire-proof roofing as the commissioner of buildings, under his certificate, may authorize, and the outside of the frames of every dormer window hereafter placed upon any building as aforesaid shall be made of some fire-proof material. All buildings shall have scuttles or

bulkheads, covered with some fire-proof material, with ladders or stairs leading thereto and easily accessible to all tenants. No scuttle shall be less in size than two by three feet. All skylights having a superficial area of more than nine square feet placed in any building shall have the sashes and frames thereof constructed of iron and glass. Every fire-proof roof hereafter placed on any building shall have besides the usual scuttle or bulkhead a skylight or skylights of a superficial area equal to not less than one-fiftieth the superficial area of such fire-proof roof. All buildings shall be kept provided with proper metallic leaders for conducting water from the roofs in such manner as shall protect the walls and foundations of such buildings from injury. In no case shall the water from said leaders be allowed to flow upon the sidewalk, but the same shall be conducted by pipe or pipes to the sewer. If there be no sewer in the street upon which such buildings front, then the water from said leader shall be conducted by proper pipe or pipes, below the surface of the sidewalk to the street gutter.

Chap. 292, Laws of 1895.

§ 24. No frame or wooden building or structure shall hereafter be built except as in this section authorized in that portion of the City of Brooklyn within the following boundary line: Beginning at a point on the East River formed by the intersection of North Fourth street into the boundary line of the City of Brooklyn on the East River, running thence along the boundary line of the City of Brooklyn on the East River, Gowanus Bay, Gowanus Canal and New York Bay to a point one hundred feet south of Sixtieth street; thence easterly on a line drawn one hundred feet south of and parallel to the southerly side of Sixtieth street to Eighth avenue; thence northerly on a line drawn one hundred feet east of and parallel to the easterly side of Eighth avenue to Thirty-ninth street; thence easterly on a line drawn one hundred feet south of and parallel to the south side of Thirty-ninth street to Fort Hamilton avenue; thence northeasterly on a line drawn one hundred feet south of and parallel to the southerly side of Fort Hamilton avenue, Ocean parkway and Franklin avenue to Flatbush avenue, between Robinson

street and Clarkson avenue; thence northerly on a line drawn one hundred feet east of and parallel to the easterly side of Flatbush avenue to its junction with Franklin avenue; thence northerly on a line drawn one hundred feet east of and parallel to the easterly side of Franklin avenue to Crown street; thence easterly on a line drawn one hundred feet south of and parallel to the southerly side of Crown street to its junction with Albany avenue; thence northeasterly on a line drawn one hundred feet east of and parallel to the easterly side of Albany avenue to Fulton street; thence easterly on a line drawn one hundred feet south of and parallel to the southerly side of Fulton street to Stone avenue; thence northerly on a line drawn one hundred feet east of and parallel to the easterly side of Stone avenue to Broadway; thence northwesterly on a line drawn through the center of Broadway to Elushing avenue; thence northerly on a line drawn through the center of Flushing avenue to Bushwick avenue; thence easterly on a line drawn through the center of Bushwick avenue to Ten Eyck street; thence westerly on a line drawn through the center of Ten Eyck street to Union avenue; thence northerly on a line drawn through the center of Union avenue to North Second street; thence westerly on a line drawn on the center of North Second street to a point at the intersection of North Second street, Roebling street and North Fourth street; thence northwesterly on a line drawn through the center of North Fourth street to a point or place of beginning. Excepting from said limits that portion of the city lying between Prospect Park and Greenwood Cemetery and bounded on the north by the boundary line of the Twenty-second Ward and bounded on the south by a line drawn one hundred feet north of and parallel to the north side of Fort Hamilton avenue. Temporary one-story frame buildings may be erected for the use of builders within the limits of lots whereon buildings are in course of erection, or on adjoining vacant lots, upon permits issued by the commissioner of buildings, such permits may be revoked at any time, and all such buildings must be removed by the parties erecting the same when and as ordered by the said commissioner. Fences of wood shall not be erected over ten feet high. Signs of wood shall not be erected over two feet high.

on any building. No signs of wood constructed upon uprights or other supports shall be at any point more than ten feet above curb level. Piazzas or balconies of wood which do not exceed eight feet in width, and which do not extend more than three feet above the second-story floor beams, may be erected, but only upon a permit from the commissioner of buildings. The roofs of all piazzas shall be covered with some fireproof material. Sheds of wood not over twelve feet high, open on at least one side, with the sides and roof thereof covered with fireproof material, and frame structures not exceeding fifty square feet in area and eight feet in height may be built, but only upon a permit from the commissioner of buildings. No fence shall be used as the back or side of any shed. Any bay or oriel window that does not exceed more than three feet above the second-story floor beams of any dwelling-house may be built of wood. No empty packing boxes, nor other wooden cases or barrels shall be piled or placed, or be allowed to accumulate in or upon any lot or building within the fire limits except upon a permit which may be granted by the commissioner of the department of buildings upon such conditions and under such regulations as he may deem proper. Said permit may be revoked at any time. Nothing in this section contained shall be construed so as to limit in any way the authority now conferred by law upon the common council of the City of Brooklyn to enlarge or extend the fire limits, so as to include outlying sections of the city surrounding the area above described.

Chap. 539, Laws of 1895.

§ 46. Every house, building or portion thereof, in the City of Brooklyn, designed to be used, occupied, leased or rented, or which is used, occupied, leased or rented for a tenement or lodging-house, shall have in every room which is occupied as a sleeping-room, and which does not communicate directly with the external air, a ventilating or transom window, having an opening or area of three square feet, over the door leading into and connected with the adjoining room, if such adjoining room communicates with the external air, and also a ventilating or transom window of the same opening or area, communicating with the entry or hall of the house; or

where this is, from the relative situation of the rooms, impracticable, such last mentioned ventilating or transom window shall communicate with an adjoining room that itself communicates with the entry or hall. Every such house or building shall have in the roof, at the top of the hall an adequate and proper ventilator, of a form approved by the commissioner of the department of buildings.

Chap. 539, Laws of 1895.

§ 55. It shall not be lawful to erect for, or convert to, the purposes of a tenement or lodging house, a building on any lot where there is another building on the same lot, or to erect any building on any lot where there is already a tenement or lodging house, unless there is a clear, open space exclusively belonging thereto, and extending upwards from the ground, of at least ten feet between said buildings, if they are one story high above the level of the ground; if they are two stories high, the distance between them shall not be less than fifteen feet; if they are three stories high, the distance between them shall not be less than twenty feet; and if they are more than three stories high, the distance between them shall not be less than twenty-five feet. No one continuous building shall be built for or converted to the purposes of a tenement or lodging-house in the City of Brooklyn upon an ordinary city lot, and no existing tenement or lodging-house shall be enlarged or altered, or its lot be diminished so that it shall occupy more than seventy per centum of the said lot and in the same proportion if the lot be greater or less in size than twenty-five by one hundred feet; and there shall be and remain a clear open space of not less than ten feet between the rear end of said lot and any building thereon; but in the case of corner lots, the building or buildings may, by special permit from the commissioner of buildings, be made to occupy not more than ninety per centum of the lot. No building or premises occupied for a tenement house shall be used for a lodging-house, private school, stable or for the storage or handling of rags, unless with a permit in writing from the board of health; but nothing herein contained shall be construed to apply to a building or premises so used for a stable prior to June

first, eighteen hundred and ninety-five. In case of any violation of the provisions of this section, or of any failure to comply with, or any violation of the terms and conditions of the plan for such tenement or lodging-house, approved by said department of buildings or the conditions of the permit granted by the department of buildings for such house, or for the air, light and ventilation of the same, any court of record, or any judge or justice thereof, shall have power, at any time after service of notice of violation, or of non-compliance, upon the owner, builder or other person superintending the building or converting of any such house, upon proof by affidavit of any violation or non-compliance as aforesaid, or that a plan for light and ventilation of such house has not been approved by the department of buildings, to restrain by injunction order, in an action by the City of Brooklyn, the further progress of any violation as aforesaid. No undertaking shall be required as a condition of granting an injunction or by reason thereof.

Chap. 539, Laws of 1895.

§ 56. In every such house hereafter erected or converted every habitable room, except rooms in the attic, shall be in every part not less than eight feet in height from the floor to the ceiling; and every habitable room in the attic of any such building shall be at least eight feet in height from the floor to the ceiling, throughout not less than one-half the area of such rooms. Every such room shall have at least one window connecting with the external air, or over the door a ventilator of perfect construction, connecting it with a room or hall which has a connection with the external air, and so arranged as to produce a cross current of air. The total area of window or windows in every room communicating with the external air shall be at least one-tenth of the superficial area of every such room; and the top of one, at least, of such windows shall not be less than seven feet six inches above the floor; and the upper half, at least, shall be made so as to open the full width. Every habitable room of a less area than one hundred superficial feet, if it does not communicate directly with the external air, and is without an open fireplace, shall be provided with special means of venti-

lation, by a separate air shaft extending to the roof, or otherwise, as the department of buildings may prescribe. But in all houses erected or converted, after June first, eighteen hundred and ninety-five, which shall be used, occupied, leased or rented for a tenement or lodging-house, every room used, let, or occupied by any person or persons for sleeping shall have at least one window, with a movable sash, having an opening of not less than twelve square feet, admitting light and air directly from the public street or the yard of the said house, unless sufficient light and ventilation shall be otherwise provided, in a manner and upon a plan approved by the department of buildings.

Chap. 539, Laws of 1895.

§ 57. Every such house erected or converted after June first, eighteen hundred and ninety-five, shall have adequate chimneys running through every floor, with an open fireplace or grate, or place for a stove, properly connected with one of said chimneys, for every family and set of apartments. It shall have proper conveniences and receptacles for ashes and rubbish. It shall have the floor of the cellar properly cemented, so as to be water-tight. The halls on each floor shall open directly to the external air, with suitable windows, and shall have no room or other obstruction at the end, unless sufficient light or ventilation is otherwise provided for said halls, in a manner approved by the commissioner of the department of buildings. It shall have Ridgewood, or other water furnished at one or more places in such house, or in the yard thereof, as the health commissioner may designate, so that the same may be adequate and reasonably convenient for the use of the occupants thereof.

Chap. 539, Laws of 1895.

§ 61. The commissioner of buildings, the inspectors of buildings and the other employes of said department are authorized and empowered to enter upon any lands or buildings for the purpose of making inspections and carrying out the provisions of this title. The commissioner of buildings shall examine, or cause to be examined, the dwelling houses and other buildings in the city, for the purpose of ascertain-

ing all violations of the laws and ordinances for the more effectual prevention of fires, and also to inspect the fire-places, hearths, chimneys, stoves and pipes thereto, ovens, boilers, heaters and all chemical apparatus, receptacles and places for the deposit of ashes, or other things and substances which, in his opinion, may be dangerous in causing or promoting fire or dangerous to firemen or occupants in case of fire. Upon finding anything defective or dangerous, the owner or occupant, by a written or printed notice shall be directed to alter, remove or amend the same, in such a manner and within such reasonable time as the commissioner may deem proper.

Chap. 292, Laws of 1895.

TITLE XV.—City Works.

SECTION 48. The expense of repairing the streets of said city shall be a general city charge; and the commissioner of city works shall have exclusive power in relation to the repairing of streets, but in no one year shall such expense exceed the amounts raised for that purpose in the general tax levy, and otherwise appropriated by the common council, with the consent of the mayor, from unexpended balances of the previous year.

Chap. 100, Laws of 1895.

§ 50. The said board of estimate shall each year include in their estimate of the amount required to be raised for city purposes the amount necessary to meet during the year any existing contract for the cleaning of streets, and also the proper proportionate amount of the sums estimated as required to be expended under the provisions of section forty-six of this title, and also such an amount as they may deem necessary and proper for the purpose of repairing and also improving the condition of the streets and avenues of the city by repaving the same, and the amount included in the annual tax levy of the city for the purpose of repaving shall be expended by the commissioner of city works, with the consent and approval of the mayor, in repaving any street

or avenue of the city or portion thereof, with granite blocks or Belgian or other improved pavement. The common council may also upon the petition of a majority of the property owners, or the owners of a majority of the property to be affected, or by a three-fourths vote of the board of aldermen and the consent of the mayor without such petition, repave with asphalt, granite or other improved pavement, any street already paved at the expense of the property owners. One-half of the cost of such repavement shall be borne by the city at large and the other half by the property benefited to be assessed thereon in the same manner as other assessments for local improvements are laid, except that it shall not be necessary to lay any such assessment until after the completion of the work. Provided, however, that in all cases where a surface railroad is laid and operated through any such street, one-fourth of the cost of such repavement shall be assessed upon such railroad, and one-fourth thereof on the other property benefited within the district of assessment. The commissioner of city works may also from time to time, with the written consent of the mayor, repave or resurface any street which has been previously paved at the expense of the property owners with an improved pavement, and any street which forms a thoroughfare between different parts of the city, of which by reason of its use ought in his judgment to be repaved at the expense of the city at large. To meet the cost of that portion of the repavements aforesaid, which is made a general city charge, over and above the amounts which may be included in the tax levies therefor, the mayor and comptroller shall from time to time, upon the requisition of the commissioner of city works, issue city bonds to be called local improvement bonds, having not more than twenty years to run, signed, sealed and countersigned as are other city bonds. The proceeds of such bonds shall be paid into the city treasury to the credit of the local improvement fund, and shall be expended for the purposes authorized by the provisions of this section, but no more than two hundred and fifty thousand dollars in amount of such bonds shall be issued in any one year. The board of estimate shall, in their annual estimate of city expenses, provide for the interest on said bonds and for the principal thereof at their maturity. They

may also provide a sinking fund for the redemption of said bonds as they become due. The common council may make rules and regulations with reference to the use of streets repaved pursuant to the provisions of this section and prescribe the times, circumstances and conditions when and under which the same may be opened by companies or corporations having franchises granting them the right so to do.

Chap. 1008, Laws of 1895.

(See Sec. 2, Chap. 1008, Laws of 1895.)

East New York avenue and other streets, improvement of.

Chap. 327, Laws of 1895.

Eighth ward improvement.

Chap. 520, Laws of 1895.

TITLE XVI.—Parks.

§ 2. The said department of parks shall have the exclusive government, management and control of all the parks, squares and public places in the city; and full and exclusive power to govern and manage the Ocean Parkway from the circle to the southwesterly angle of Prospect Park to the ocean, and direct and regulate the public use thereof, as also the circle and concourse at either terminus, and also Eastern Parkway in the ninth and twenty-fourth wards of said city, and to govern, manage and direct the same and to regulate the public use thereof, and of such parts of the several roads, streets or avenues as run through or intersect the same, and to pass and enforce laws and ordinances for the proper use, regulation and government thereof, and for all the purposes of such government, management and direction of public use, such parts of said roads or avenues as pass through or intersect said circles shall be deemed to be a part of Prospect Park, and it shall be under like control and management as said parkway, and the maintenance of said Ocean parkway and concourse shall be a charge upon the City of Brooklyn. And

the said department of parks shall have, subject to the limitation aforesaid, full and exclusive power :

1. To lay out, regulate, improve and maintain the public parks of said city, and Ocean parkway and the concourse aforesaid, and also Eastern parkway in the ninth and twenty-fourth wards of said city, and to govern, manage and direct the same and the public use thereof.

2. To make ordinances, rules and regulations for their proper management and government.

3. To appoint such engineers, surveyors, clerks and other officers and such police force as they may deem expedient, and to prescribe and define their respective duties and authority ; and to fix and regulate the compensation to be paid to the several persons so to be employed by them.

4. To locate, erect and maintain fountains on the said parks or parkways, or either of them, as well as upon the streets and avenues which form the boundaries thereof or intersect the same ; to erect and maintain iron and other fences around the said parks ; to flag and reflag the sidewalks of said streets, roads or avenues on the side which is adjacent to the said parks ; to increase the width thereof, and to set and reset curb and gutter stones, shade trees and lamp posts thereon.

5. To determine the particular location of any railroad track which is now or may be hereafter placed upon such road, street or avenue, or upon any road, street or avenue under the control of said department, provided, however, that no such railroad track or tracks shall be placed upon any such road, street or avenue without the consent thereto of the commissioner of parks.

6. To seize and impound any cattle, sheep, swine, goats, horses, geese or other animals found running at large upon any of the public parks or parkways of the City of Brooklyn ; to impose a penalty, not exceeding five dollars, with reasonable expenses, upon any animal so seized, and to enforce the payment thereof in such a manner as they shall by ordinance direct.

7. To let any buildings and the ground belonging to the City of Brooklyn which may be within the limits of any public park, for a term not to exceed one year, or until the same shall be required for public use.

8. To sell any buildings, improvements or materials within the limits of the said last-mentioned park and belonging to said city, which in the judgment of said department shall not be required for the purposes of said park or for public use, and the proceeds of such sales shall be deposited with the city treasurer to the credit of the department, and devoted to the improvement of said Prospect park.

9. They may also, in the name of the city, or of the said department, at their option, bring any action which they may deem proper, to recover damages for the breach of any agreement, express or implied, relating to or growing out of the management or improvement of the said parks, parkways, or other places, territory or streets under their control, for penalties for the violation of any ordinances; or for injuries to personal property appertaining to the said parks, places, territory or streets, and to recover the possession of any such property. The said department shall have charge and management for the purposes of police and improvement of the land in the town of Flatbush, in the County of Kings, taken pursuant to statute, for a parade ground for the County of Kings. And all ordinances or rules which said department shall at any time adopt for the regulation, use and management of the said parks shall immediately thereafter be published for at least ten days in two daily newspapers printed in said city.

Chap. 947, Laws of 1895.

Monument to General Slocum.

Chap. 291, Laws of 1895.

County Parks.

Chap. 474, Laws of 1895.

Warren monument.

Chap. 542, Laws of 1895.

TITLE XVII.—Public Instruction.

SECTION 15. The board of education of the City of Brooklyn is hereby given the full care and management of the public school teachers' retirement fund created by this act. The board of education shall have charge of and administer said public school teachers' retirement fund as it shall deem most beneficial to said fund, and shall make payments from said fund of allowances granted in pursuance of this act ; and shall, from time to time, establish such rules and regulations for the application and administration of the said fund as it may deem best. The public school teachers' retirement fund herein provided shall consist of the following, with the income and interest thereof :

1. The board of education shall on and after January one, eighteen hundred and ninety-six, reserve monthly, and turn over to said fund, one per centum of the salaries paid each month to the teachers who shall, prior to that date, elect to come under the provisions of this act ; and the board of education shall also reserve monthly and turn into said fund one per centum of the salaries paid each month to all teachers appointed after January one, eighteen hundred and ninety-six.

2. All moneys and property received by donation, legacy, gift, bequest or otherwise for and on account of said fund.

3. All such other methods of increment as may be duly and legally devised for the increase of said fund. The board of education may retire from active service any male teacher not under sixty years of age, or any female teacher not under fifty-five years of age in its employ who has elected to come under the provisions of this act, or who shall be appointed on and after January one, eighteen hundred and ninety-six, and who has taught not less than thirty years, of which twenty immediately preceding the proposed retirement shall have been in the public schools of Brooklyn. Each and every teacher retired under the foregoing clause shall receive dur-

ing life an allowance annually equal to one-half of the annual salary received by said teacher at the time of said retirement, to be paid in quarterly installments; but no teacher so retired shall receive more than twelve hundred dollars in any one year; provided, however, that no teacher shall be retired until he or she shall have paid into the retirement fund an amount equal to twenty per centum of his or her annual salary at the time of retirement. Whenever the amount in the retirement fund herein provided shall not be sufficient in any year to pay in full the allowances hereinbefore specified payment shall be made in due proportion to the amount in the retirement fund applicable to that purpose.

Chapter 656, Laws of 1895.

Erection of school buildings.

See Chap. 290, Laws of 1895.

TITLE XVIII.—Contracts.

SECTION 1. All contracts and agreements by which the city shall be held liable to pay money, shall be under the authority of the common council, except for salaries and those made for the management and control of the board of education, the water works, the maintenance of sewers and the repairing of streets, and also except those made for the maintenance and management of the parks and other works and matters under the control of the department of parks, but the amount expended for the above-named purposes shall not exceed the sums appropriated therefor by the common council, or the amount authorized to be expended by issue of bonds under heretofore existing laws. All contracts other than for the above excepted purposes exceeding in amount the sum of two hundred and fifty dollars shall be made in the following manner: Whenever any work, materials or improvements, shall have been duly declared to be necessary by said common council, they shall authorize the department of city works, and it shall be the duty of the department so authorized to advertise in the corporation newspapers, for at

least ten days, inviting bids or proposals therefore, under seal, to be sent to the department of city works, which bids or proposals shall be publicly opened and announced, with the name of the bidder, the rate or amount proposed, and the names of the sureties, which sureties shall be the owners of real estate in the City of Brooklyn in their own right to the amount of such surety, and shall have held the same for at least one year prior to becoming such surety: and before awarding any contract all the bids or proposals received shall be published for at least six days in the newspapers aforesaid. All contracts shall be awarded to the lowest bidder, and be executed by the mayor and the department of city works, and shall be attested by the city clerk: provided, that upon the application of the commissioner of the department of city works or head of other department, the board of aldermen may, and are hereby empowered, by a two-third vote, to authorize the department of city works to execute a contract to others than the lowest bidders: and no contracts shall be made or liability to pay be incurred, the expense of which is provided by law to be met by local assessment, until the jurisdictional or other proceedings for and in the assessment have been examined and certified to be correct and sufficient by the department of city works and attorney and counsel to the corporation. All contracts relating to the construction and maintenance of the water works exceeding in amount the sum of two thousand dollars, and all contracts relating to the maintenance of sewers and repairing of streets exceeding in amount the sum of one thousand dollars shall also be made by the commissioner of city works, after advertising for proposals for ten days in the corporation newspapers, and shall be awarded by him to the lowest bidder, provided, however, that with the written consent of the mayor, the said commissioner may receive proposals for any of such purposes without advertisement therefor, and with such consent may award the contracts to others than the lowest bidders, and all contracts so awarded shall be executed by the mayor and the commissioner of city works and attested by the city clerk.

Chapter 329, Laws of 1895.

TITLE XIX.—Local Improvements.

SECTION 1. The common council may, upon the petition of a majority of the property owners, or of the owners of a majority of the property to be affected, or by a three-fourths vote of the board of aldermen and the consent of the mayor without such petition, open, close, extend, widen, regulate, grade, pave, regrade and repave roads, streets, lanes, and avenues, or any part thereof either with stone of any character, or with asphalt, brick, macadam or with any other material, as they may deem expedient, and cause public squares and parks to be opened, regulated, ornamented and perfected in the manner hereinafter provided, and generally have such other improvements in and about such streets, avenues and squares as the public wants and convenience shall require. They may also include as a part of the paving or repaving of any road, street, lane or avenue, the improvement of the sidewalks thereof, by the laying of flagstones thereon, or such other material as they may deem expedient. The expense of all such improvements shall be assessed and be a lien on the property benefited thereby, in proportion to the amount of said benefit. In all cases where the common council shall decide upon the grading and paving of any street or avenue they shall cause a sufficient number of culverts or drains to be constructed under such street or avenue as may be necessary to carry off the surface water of the lands which shed their water across the line of such street or avenue. The said common council shall have power, with the consent of the mayor, to lay out streets in said city and to place the same on the commissioners' map, and to change said map by closing and striking therefrom or altering the lines of any street now on or hereafter placed on said map.

Chap. 297, Laws of 1895.

§ 16. After any contract for a local improvement shall have been entered into, and a certified copy thereof shall have been filed with the comptroller, in conformity with the thirteenth section of this title, said comptroller is hereby authorized and

directed to pay to the contractor or his assigns, from time to time, as the work progresses, eighty per centum of the estimated value of the work actually done under said contract, until the same shall be completed. The estimate of the value of any such work shall be signed by the surveyor, and also by the department having the matter in charge, and approved by the auditor; and upon the final completion of any contract and filing of the certificate of completion signed by the officers above named, the comptroller shall, within thirty days thereafter, pay to the contractor or his assigns the balance of the amount due under his said contract. Provided, however, that the common council may, upon the recommendation of the commissioner of city works, authorize contracts for asphalt pavements to be made with a guaranty upon the part of the contractor for one or more years with a provision for the retention of a percentage to meet such guaranty; in which case the percentage retained shall be paid within thirty days after the expiration of the guaranty.

Chap. 654, Laws of 1895.

TITLE XXI.—Justice's Courts.

SECTION 6. All civil actions brought before justices of the peace elected pursuant to the provisions of this act except those brought by non-residents, and excepting those brought in the name of the city for violations of the charter or ordinances, must be brought in the judicial district in which either one of the plaintiffs or one of the defendants resides, or in an adjoining district. All summary proceedings for the recovery of the possession of land must be brought in the judicial district in which the land, or a portion thereof, is situated, which is sought to be recovered, or in an adjoining district. The clerks, and the clerks only, of the respective justices' courts and police courts, are hereby required to collect and pay into the city treasury all fees, fines, penalties, and all fees in summary proceedings, keep a docket of all such cases, and report the same to the comptroller. Any justice of the peace in said city may issue warrants for any alleged criminal offense

within said city; but such warrants must be returnable before a justice of the peace, or a police justice, in the judicial district in which the offenses are alleged to have been committed, or in an adjoining district. The foregoing provisions of this section shall apply only to the justices and the courts held by justices, elected or appointed pursuant to the provisions of this act. The clerks of the said courts shall have the power to adjourn summary proceedings for the recovery of the possession of land, in the absence of the justice, not to exceed two days at any one adjournment, or six days in the aggregate, in any one case.

Chap. 637, Laws of 1895.

TITLE XXII.—Miscellaneous Provisions.

SECTION 35. At any time after the commissioners of appraisal heretofore or hereafter appointed in any proceeding for the condemnation of land or any interest in land, instituted by or in behalf of the City of Brooklyn, pursuant to any of the provisions of this act, have taken their oaths of office, the said city may, at its option, to be exercised by the commissioner of city works, or his successor, with the consent of the mayor, without any suit at law or proceeding for that purpose, enter upon, use, occupy and enjoy the land or interest in land thereby sought to be acquired, anything to the contrary thereof in this act contained notwithstanding; provided, however, that in all cases of street openings, whether for general or sewer purposes, before any such entry shall be made, the board of assessors shall, when requested by the said commissioner, examine into the matter and determine whether the lands and premises within the district of assessment will be benefited to the amount of the probable cost of the improvement. If they shall determine that such lands and premises will be so benefited, then such entry may be made and such determination shall be in lieu of any further report by them on that subject. Any proceeding in which any entry is made pursuant to the provisions of this section shall not thereafter be discontinued.

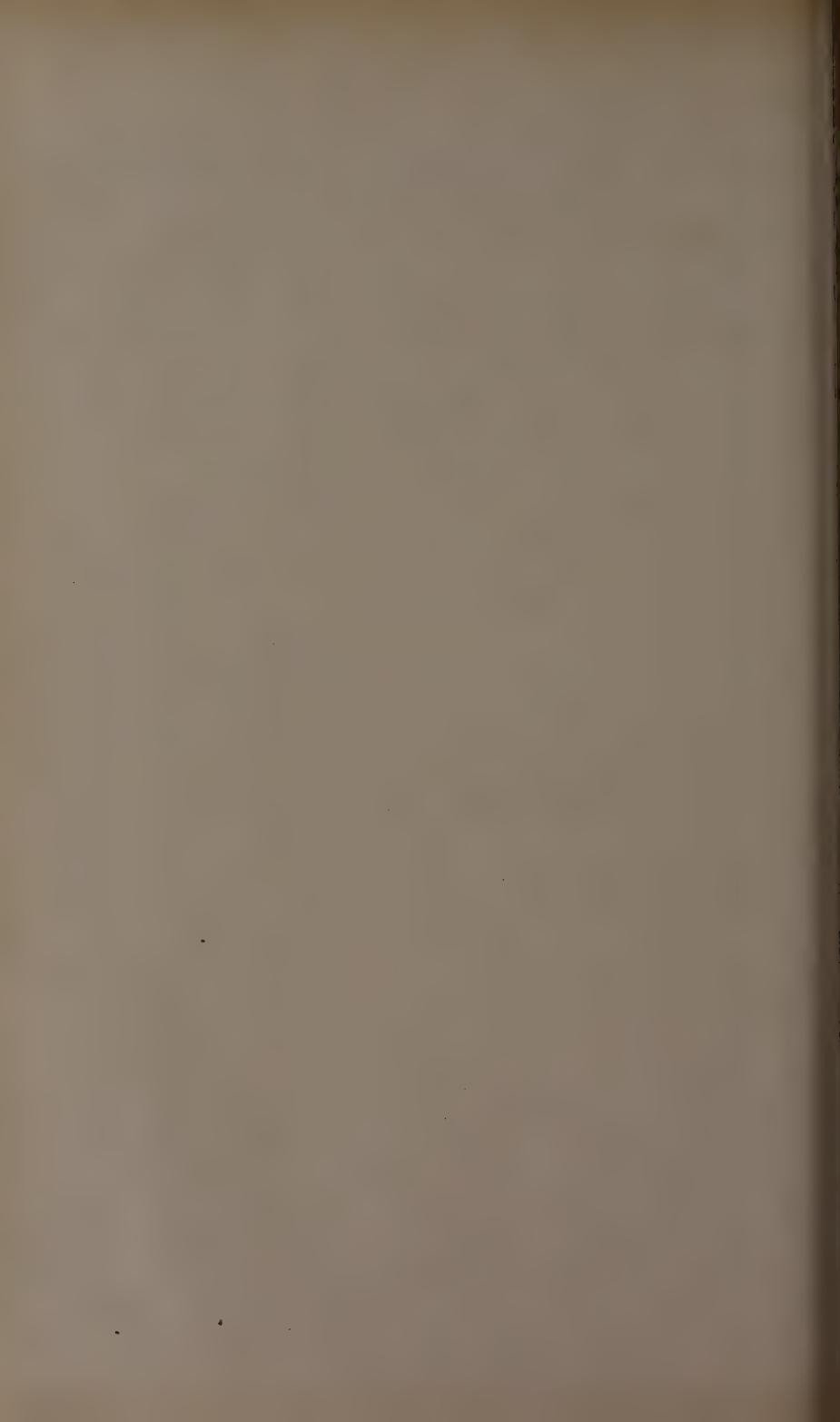
Chap. 373, Laws of 1895.

§ 36. This act is hereby declared to be a public act, and all local and special acts passed prior to January first, eighteen hundred and eighty-eight, relating to the corporation of "the City of Brooklyn," designated in section one of title one of this act or to the administration of the property or affairs of said corporation, except an act entitled "An act to provide for the payment of awards for land heretofore taken for local improvements in the City of Brooklyn," passed April tenth, eighteen hundred and eighty-three, and also an act entitled "An act to provide for the aid and support of the poor in the Counties of Erie, Kings and New York," passed April thirtieth, eighteen hundred and seventy-five, and the acts amendatory thereof, and also an act entitled, "An act to provide for the use and to regulate the use of the docks and basin on the Wallabout Bay and other docks in the City of Brooklyn, and to confer certain powers upon the comptroller and commissioner of police of said city," passed May thirteenth, eighteenth hundred and eighty-six, and also an act entitled "An act to provide for the annexation to the City of Brooklyn of the town of New Lots, and for the acquisition and regulation of the water supply thereof," passed May thirteenth, eighteen hundred and eighty-six, are hereby repealed; provided, however, that nothing in this section contained shall abrogate, annul, impair, or in any manner affect the corporate powers, rights, privileges or franchises of the said "the City of Brooklyn," or any lien, contract, right, title or interest, heretofore acquired by said corporation or by any other person; and provided further that no action, suit or proceeding heretofore instituted to enforce any right, contract, interest, privilege, franchise, power or lien, or any proceeding taken in the exercise of any power heretofore vested in the City of Brooklyn or any of its officers, and which may be pending at the time of the passage of this act shall abate or be in any manner affected by the provisions of this section, but may be continued until a final determination thereof in the same manner and with the same effect as if this section had not been enacted. And provided further that nothing herein contained shall be so construed as to annul, abrogate, impair or in any manner affect any power, right or duty heretofore vested in the City of Brooklyn, or

any officer, officers or department thereof, or the board of park commissioners in respect to the enforcement of any tax, water rate or assessment or installments thereof heretofore levied according to law. And provided further that nothing in this section contained shall be so construed as to modify or in any manner affect any general statute, or any statute relating to the New York and Brooklyn Bridge, or the codes of civil or criminal procedure or the penal code, or to discharge or in any manner affect any penalty or liability, civil or criminal, incurred under any law of this State or under any ordinance of said City of Brooklyn in force at the time of the passage of this act. For the purpose of determining the effect of this act upon other acts that are, or may be enacted during the present year relating to the City of Brooklyn, or the powers or duties of any of its officers or agents, and the effect of such other acts on this act, this act is to be construed as, and deemed to have been enacted on the second day of January, in the year eighteen hundred and eighty-eight; and for the purpose of determining the effect of this act on the acts heretofore specially excepted by this section from its effect and the effect of said excepted acts on this act, this act is to be deemed and construed as though enacted before each of said excepted acts respectively.

(Formerly Sec. 35, Tit. XXII., Chap. 583, Laws 1888.

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